Criminology, Crimes and Criminals

PREFACE AND DEDICATION.

MY OBJECTS in publishing this lecture are, First, a desire to comply with the requests of hundreds who have heard it delivered (under the title of "Crimes and Criminals"), and Second, the wish to give it as wide a hearing as possible.

It is not my purpose to offer an apology for criminals, big or little, but to explain something of the cause or causes which lie back of, and are responsible for, what we are pleased or forced to call crime.

I "dedicate" this lecture, First, to the working class as a whole. It is principally the members of this class who, when they violate the capitalistic codes of law or morals, become the "criminals" that excite such general indignation; and Secondly, I dedicate to those men and women lower down, "the little criminals who fill the penitentiaries," for thus the majesty of the law is sustained, while the big thieves, those "higher up," are kept respectable.

The legal thefts of the "desirable" are called financiering and shrewd business. Their graftings are protected by technicalities, which is another crime. Their murders are condoned. Their lack of morals excite more mirth than indignation and are soon forgiven and forgotten. When the rich do wrong it is, of course, due to "human weakness," and we must be "charitable"; but when members of the working class commit similar overt acts, even though of a petty nature, it is due to "innate depravity" and downright "individual cussedness," and society manifests a frenzied desire for vengeance under the name of "punishment."

J. W. S.

CRIMINOLOGY, CRIMES AND CRIMINALS

"If there be any one that makes many poor to make a few rich, that suits not a Commonwealth."—Oliver Cromwell.

When an epidemic of physical disease sweeps over a city or nation, we seek the cause, knowing that if we can find and remove the cause the epidemic will cease.

We do not accuse those who seek the cause of apologizing for the disease, but hail them as benefactors of their fellow men, if they are even partially successful.

There are diseases of the brain as well as of the body. No one, whose brain is in a normal condition, will ever commit a crime. There are many phases of Phobia (fear) which, in proportion to their tendency and intensity, result in mental Gripp, Measles, Chills, Ague, Typhoid Fever and Smallpox.

When physically afflicted with any of these diseases, we pity and protect the sufferers, but when thus mentally diseased, we punish or destroy the so-called "culprit."

When we find a man afflicted with smallpox, why don't we shoot, hang or electrocute him? "That would be barbarous," you say; so we hasten him to a hospital or a pest house, furnish a doctor, a nurse and medicine; but when we find a man afflicted with "crime," we demand imprisonment or death. In treating our criminals in this barbarous way, we try to justify ourselves on the ground that **society must be protected.**

Can society really protect itself by killing any of its own members?

The sufferer in both cases is a menace to society, but with this distinction: The smallpox patient, if let "run free," would probably contaminate thousands, hundreds of whom may die, while the mentally diseased may direct his activity toward a single individual as a matter of vengeance for real or fancied wrongs, or for the removal of a barrier to the consummation of his abnormal desire to kill his imagined enemy in order to protect himself. If protection to society be our real aim, why such a wide difference in treatment? I know the theory of original sin. But if that be the cause of his crime, he cannot be held personally responsible, since it is manifest he must have inherited the seeds that fruited in the crime and has therefore a great claim on our pity.

When society, in its organized capacity, legally takes the life of any one, it is in the same mental state of the man when he committed his crime, and with less excuse. This social mental state, in turn, furnishes at least a contributory cause for future individual murders, for the seed of murder is thus sown and the harvest is sure to follow.

The individual imitates, as best he can, the things legally done by the society in which he lives, in proportion to his belief in the justice or injustice thereof, or as his interests may incline him.

A boy, in imitating his father, will quote the father as authority. Many men will defend their acts by saying "it is legal or not illegal," thus using the State as his authority.

You may say, "Oh, but there are certain well understood crimes, everybody knows they are crimes, hence the individual responsibility of those who commit them is beyond question."

So, also, does everybody understand the danger of smallpox, yet many people get it (or, more properly speaking, it gets them).

We have ceased to hold them personally responsible. We **now know** that society is to blame. We now know that good sanitation would have prevented it, and that sanitation is a social duty. Therefore when it appears we make some amends by taking care today of the victims of our mistakes of yesterday.

Industrial conditions bear the same relation to mental health that sanitation does to physical. And as industrial conditions depend on social action or inaction, the praise or blame deserved cannot be justly loaded on the victims in the case of crime (mental disease) any more than in physical afflictions.

Before proceeding further it might be well to consider the question

What Is Crime?

I reply: that depends, in a measure at least, on who decides. You know we are inclined to think that our doxy is orthodox, hence good, while your doxy is heterodox, therefore bad.

Most of us are prone to accuse others of being actuated by ulterior motives or criminal intent. We do many things without a blush we condemn others for doing, and the line

of demarkation between mistakes and crimes is often obliterated by us, sometimes because of our prejudices, our loves, our hates, and more especially on account of our personal interests.

It is not long since disbelief (that is the other fellow's belief as measured by us) was considered the greatest of all crimes, meriting torture here and eternal damnation hereafter. So I may safely say it will be hard to decide where to draw the line between virtue and vice, mistakes and crimes. Most of us can and do find many **good reasons** (to us, of course) in justification for what we do, much of which, if done by others, we would say is criminal.

I maintain, however, **that all those things done or acts committed by an individual or a group of individuals, legally or illegally, that produce or tend to produce unhappiness, misery, poverty and degradation,** are **crimes,** regardless of degree or of the **respectability** of the **perpetrators.**

The Factors.

I will undertake to prove that few people understand the fundamental facts underlying crime. Many who are the loudest in condemning crime are doing all they can to protect the big criminals, seemingly unconscious of the fact that they are thus helping to produce the little ones they seem so anxious to imprison or kill.

Enrico Ferri said: "Three factors must be understood before we can, with any degree of clearness, understand 'criminology.' They are: First, the anthropological, that is, racial characteristics; temperaments—heredity. Second, the telluric, that is, soil, climate and natural resources, and, Third, the social institutions." He insists (and other well informed students agree) that the last exerts a much greater influence than either of the other two factors.

The first and second factors furnish the **material,** the **clay,** so to speak; the third, the **social institutions, become the potters** who give direction to, who fashion, make or mar the human shapes, furnish language, furnish or fail to furnish labor and decide all questions of law and morals. Intellectually, morally and physically, then, these bits of anthropological and telluric clay finally reflect the workmanship of the society that handles them.

I admit the overlapping of the lines of action and reaction of the forces called natural and those called social,

for it must be borne in mind that we of today have inherited the environments of many yesterdays. Our children will inherit so much of our environment that it can be truthfully stated that we of today are preparing the material for tomorrow's possibilities.

It must also be understood that our desires for better things, for a change of methods, of systems, and of environments, grows out of the suffering bad environments produce, and, by reacting on the causes that gave them birth, these desires in turn become direct forces making for their own fulfillment.

These forces in action and reaction constitute the social forces which, when expressed in and through social institutions, become the greatest factor in criminology.

Professor Lombroso was hailed by the defenders of commercialism as the greatest criminologist of the present age. He claimed the shape of fingers, thumbs and skulls indicated the predisposing tendencies of the individual toward virtue or vice.

He also claimed that criminals were born and that they are therefore natural products. The whole brood of exploiters praised him for having exonerated them (as they hoped) of all blame for the multitude of industrial slave victims that were concomitantly increasing in the wake of commercialism.

Other scholars also investigated criminology, and while they agree that everything is **natural,** they insist that nature in this, as in other respects, permits man to use her to his advantage. They found that the shapes of thumbs and skulls change under the influence of changed environments, and that since man has a two-fold tendency, **one towards the good and one towards the bad,** the institutions of a given period exert a determining influence for **good or bad.**

" * * * * For if you suffer your people to be ill educated and their manners corrupted from their infancy, and then punish them for those crimes to which their education disposed them, what else is to be concluded from this, **but that you first make them thieves and then punish them?**—Sir Thomas More.

Do conditions, that is, environments, have anything to do with preventing or increasing crime? When environ-

ments change, men's thoughts change, and when their thoughts change, their habits change. Is it not a fact that changed habits result in changed character?

Character is but the result of a series of habits. What could possibly have more influence on the thoughts, habits and characters of men than the manner in which they **must make their living?**

If you listen to the conversations of men you can readily determine their vocation.

The banker will talk of "interest rates, discounts, securities, deposits and loans." The railroader talks of "grades, sidings, signals, brakes and air, steam and engines." The carpenter talks of "planes, lumber and roofs." The farmer talks of "corn and wheat, hogs and cattle." The preacher talks of your precious "soul's salvation and of heaven."

This will be found to be true of every distinct trade or calling. Add them all together and you have the business and social vocabulary of the day.

Just as industries change, so do our thoughts, language, habits and characters change.

Changing Human Nature (?).

It is often insisted that **"human nature will have to be changed"** before any high ideals will be realized—before any material lessening of crime may be expected.

The words **human nature** and **character** are used so loosely that most of us are completely confused and misled.

Everything is natural. Crime is natural, so is honesty, vice and virtue. Light and darkness, heat and cold, height and depth, good and bad, are all natural. These words express opposite poles of principles, things or conditions, or indicate relations. They show degrees of differences in the realm of nature.

Good and bad are, in the last analysis, merely matters of **relation.** For instance, fire, per se, is neither good nor bad; when it warms us in winter, or cooks our food, or generates steam that can be used to propel our productive machinery, or transport us or our products from place to place, we might say it is good. **The fire is not good,** but the relations, the effects, are good. The **fire** is not **bad** when it burns our homes or cities, but the effects are.

When we build a house to protect us from the elements, we do not **change a single fact or element of nature.** Our protection and consequent enjoyment results, not because our nature is changed, but because we complied with natural laws and therefore **changed our relations** and results from what would have otherwise obtained.

It is often said of some man, "He is naturally good," and of another, "He is naturally bad." Relatively that is true; for one of them will have a greater capacity for doing those things we call good than the other.

Capacities are natural. No one can be **unnaturally** good or bad. Some children are born with larger bone and muscular structures than others, some with blue eyes, brown or black, and with light or dark "complexions."

All admit these are natural factors or features. They are inherited, so are capacities.

It is these "bits of anthropological and telluric clay," containing various degrees of capacity and potentialities, that are fashioned and shaped, **made or marred,** by society, by social institutions.

Character is a natural result, it is acquired or imposed; but **nature has not been changed one whit.** Since capacities are inherited, and must therefore be transmitted, the wonderful influence of prenatal environment cannot be over-estimated.

The environments of today are the prenatal influences of tomorrow's children.

ENVIRONMENT.

What is environment?

First, and by all odds the most important of all, **it is the food you eat and the manner and means by which you get it.** The manner and means will determine the kind and quantity of food, the kind of a home you will live or exist in, as well as your social status

Then

It is the company you keep, the schooling you get, the enemies you have, the customs of your neighborhood and nation, the religion of your parents, the air you breathe, the soil and climate of your country, **the justice or injustice of your government,** the kindness or cruelty of those you know, your loves and hates, the music you hear, the traveling you do; in short, every influence for good or bad which emanates from your government, down to a prize fight, is your environment.

Two Factors Act and React.

"Heredity furnishes the raw material of life; environment molds it into the finished product.

"Heredity reaches back through all the million links of the chain of life to the monera in the primeval sea; environment begins with life's first breath.

"No strain of heredity is so fine that a hostile or wholly vicious environment cannot degenerate it to a greater or less degree.

"No heredity is so bad but that a friendly or good environment cannot mitigate or partially overcome its disability.

"Environment is all that comes after birth whether of good or evil, whether mirk or squalor or sunshine and fresh pine breeze, whether curses and blows or blessing and brooding tenderness, whether the education of nature, home and school or the gloom and grief of 'sunless lanes where creeps Poverty with her hungry eyes and Sin with his sodden face follows close behind, where Misery wakes in the morning and Shame sits at night,' whether noble friends and good music, peace, security, health, travel, balmy climate and the world's best books and sublimest teachers, or shame, taint, rags, ignorance, fire, flood, storm, pestilence, death, filth, loneliness, unemployment, child slavery, it is all environment, mighty to shape for fair or foul the malleable material of life."—Gertrude Breslau Hunt.

These influences, acting upon seventeen thousand variations of temperaments, will produce a myriad of individual

acts that are **good** or **bad** in close keeping with the tendencies or direction of these influences toward that which is **good** or **bad,** in the sense of bringing about good or bad relations between men and things.

The relations just referred to are most completely reflected in the matter of the reward of labor.

Truthful Words of Carlyle.

"'Many a man thinks that it is goodness that keeps him from crime, when it is only his full stomach. On half allowance he would be as ugly and knavish as anybody. Don't mistake potatoes for principles.'—Thomas Carlyle.

"There never came from the lips of man more truthful words than the above from Thomas Carlyle. It is an easy matter for a man in a comfortable home and a well-filled larder to respect the law and merit by his acts and conduct the title of law-abiding citizen. The man who is supplied with the necessaries of life and at times enjoys some of the luxuries is but little tempted to become a lawbreaker. But the man who feels the pinch of hunger and the insolent sneer that is usually accorded the victim of poverty is always treading the dangerous pathway that leads to a prison cell.

"Every student of social questions is realizing more forcibly than ever that poverty breeds crime.

"The young lady surrounded by the comforts of life and shielded by the affection of loved ones is deserving of no vast amount of credit because she retains upon her brow the crown of chastity. But the woman who has met the storms of life's battle, who has felt want clutching at her vitals and remained unsullied, is a heroine whose womanhood is worthy of the most glowing tributes that can be plucked from the flowers of rhetoric.

"Criminals are the product of wrong economic conditions, and when the time comes that the earth will be blessed with a humane civilization, man will become what he was intended to be, 'the noblest work of God.' "—John M. O'Neill.

"The social evil is an economic product."—Victor Berger.

"It is easy enough to be virtuous on 5000 pounds a year."—Becky Sharp in "Vanity Fair."

"Lunatics and criminals are manufactured, as are steam engines or clothes. But the process is more complex, and we are unable to study it as we can the manufacture of an article for the use of man. The engine is made by the skill of man; the criminal by an operation of a law of nature; had the law been obeyed, or had it not been obstructed, **a normal intellect would have been the result, and heredity would have played its part in the development of the brain structure.**"—Boyer, "Material Impressions," p. 122.

In his history of civilization, makes the statement that the price of food (in its broad sense) and the conditions of labor will in any period or country determine the percentage and kind of crimes that will be committed and the number of divorces that will be granted.

He furnishes a comparative tabulation of facts covering a period of 100 years, taken from the records of several countries, to sustain the statement.

Permit me to give you some astounding facts affecting "Our Country" of equal opportunities (?). These figures tend to prove Buckle's claim, and I insist they go a long way toward proving the startling assertion that organized society is **responsible** for every crime committed within its jurisdiction.

Beginning with the year 1881, when the sails of trustification were being filled with corruptly secured legal breezes of city, state and national legislation, it had become apparent to all clear thinking students of economics that the "era of corruption in high places" that Lincoln foresaw and warned us against had really dawned. We find that year to have been an almost distinct period from which to note the increase in crimes as shown in the table below. George Allen England compiled it and he quotes what seems to be unquestionable authorities.

Years	No. of Murders	No. of People per each Murder	No. of Murders to each 1,000,000 Persons	No. of Suicides
1881	1,226	41,856	23	605
1885	1,697	31,055	32	978
1889	3,567	17,182	56	2,224
1893	6,588	10,046	100	4,436
1895	10,500	6,567	153	5,759
1899	6,225	11,957	83	5,340
1903	8,976	8,954	111	8,597
1906	9,350	9,152	109	10,125
1907	9,500	9,986	100	10,782
1909	16,000*	6,420	155	12,000†

*Pennsylvania Journal of Education, June 1910, p. 536.
†Not completed for the whole year.

Mr. England adds: "Murder is increasing nearly four times as fast as population, suicide three and one-half times and insanity four times as fast."

I learn from census bulletin No. 96 that during the last 20 years divorces aggregated 945,625, an average of 47,285 annually. Sixty-five thousand were granted during the year 1908.

The increase in divorces during the last 20 years was two and one-half times greater in proportion to marriages as compared with the 20 years previous. Mr. England says there are "90,000 men and women behind prison bars in this 'land of the free and the home of the brave.'"

"Three hundred thousand professional non-productive crooks whose average thefts are $1,500 per year, while the average wage of the wealth producer is about $445.00," nearly four times more incentive to steal than to be an honest wage slave. "Ten million people in such poverty as to be unable to maintain themselves in physical efficiency, and 4,000,000 paupers."

"In 1899 (a so-called prosperous year) one-fifth of all the people of the state of New York applied for charitable relief, and in 1903 14 per cent. of all the families of Manhattan were evicted, and every year 10 per cent. of all who die have pauper funerals."

"Six billion dollars is spent annually to punish the criminals and vicious classes and to maintain the paupers." But not one cent is spent by society to remove the causes that produce them.

"The $6,000,000,000 thus spent is more than is expended on all the schools, libraries and benevolent institutions combined. On top of all this, we have 6,000,000 illiterates (only one boy or girl out of ten reach high school), 7,000,000 children not in school at all, 500,000 prostitutes, 2,000,000 child slaves, 5,000,000 women competing in the **labor markets** with their 'lords and masters' (for their mutual masters in fact) helping to eke out the skimpy family dole, and from one to five million workers constantly out of work."

Is there not some "far-reaching, insidious force" at work, permeating every phase of life, when such general and appalling results increase so fast and stare us in the face and mock those of us who boast of our Christian civilization?

I want you to read over these statements again, then recall Buckle's statement relative to the price of food and the condition of labor, then call to mind the ever-lowering standard of the worker's life, first, because of uncertainty of employment, which of itself tends to an unhealthy men-

tal state, for it is equivalent to a reduction of wages, and second, the ever-increasing cost of living, and you will begin to see why **society** is responsible for criminals and their crimes.

All these crimes are in a sense a social barometer that registers society's industrial and moral health as accurately as does a thermometer register the temperature of the air that surrounds it.

I also want you to recall the panics, unemployment, money stringencies and hard times that have happened since 1881; then note how crime always increased with the continuation of them, and how they lessen as times improve.

Why are more crimes committed in cold than in warm weather? Or during a panic than in good times?

The answer is simple. The struggle to get a living is more difficult in cold weather and during hard times.

Let me put the case another way.

Are there not social and industrial as well as individual crimes? I insist there are, and that individual crimes are but the echoes of original crimes that society legally commits and permits.

For instance, if society legalizes profit-taking, need we be surprised that there are as many profit-getting schemes devised and tried as there are individuals who imagine they can make them succeed? Nor should it seem strange that these schemes range all the way from legalized Wall Street gambling in the necessities of life to the **white slave traffic.** Profits realized or sought is the object in each case. Society agrees that profits (per se) are legitimate and good, and so the incentive is constantly held out to the profit takers, and man's worst passion, greed, is directly and indirectly fanned into flame.

You are shocked when the atrocities of the white slave traffic are revealed. You detest the white slave trafficker, yet as unspeakably infamous as that commercial transaction is, the dealers therein are as "white robed angels" compared with the men who bribe legislators. Those pollute and destroy one or a hundred. These debauch a whole nation. They set in motion the wheels of corruption, sow the seeds of graft, poison the streams of a nation's life at its very fountain head and thus make inevitable the harvest

of individual crimes that appear and appall throughout our industrial and social life.

It is safe to say, says one great writer, "that governments (society legally expressing itself) have committed far more crimes than they have prevented." "Nations have committed crimes to punish crimes. The world has been filled with prisons and dungeons, with chains and whips, with crosses and gibbets, with thumb-screws and racks, with hangmen and headsmen, and yet these frightful means and instrumentalities and crimes have accomplished little for the safety of property or life."

He enumerates some of society's crimes as follows:

"Thieves and highwaymen, heretics and blasphemers, were broken on the wheel, their joints dislocated on the rack. They were suspended by their legs and arms, while immense weights were hung upon their necks. Their flesh was burned and torn with hot irons, they were roasted at slow fires. They were buried alive, given to wild beasts, molten lead was poured in their ears, their eyelids were cut off and the wretches placed with their faces to the sun.

"Others were securely bound, so they could move neither hand nor foot, and over their stomachs were placed inverted bowls under which rats were confined; on top of these bowls were heaped coals of fire, so that the rats in their efforts to escape would gnaw into the bowels of the victims.

"They were staked out on the sands of the sea, to be drowned by the slowly rising tide, and every means by which human nature can be overcome slowly, painfully and terribly, was conceived and carried into execution.

"For petty offenses men (and women) were degraded, given to the mercy of the rabble. **Their ears were cut off, their nostrils slit,** their foreheads branded. They were tied to the tails of carts and flogged from town to town, and yet, in spite (or because) of it all, the poor wretches obstinately refused to become good and useful citizens."

Degradation has been thoroughly tried, with its maimings and brandings, and the result was that those who inflicted the punishments became as degraded as their victims.

This is quoted that you may make a comparison between these legal crimes of society and the illegal ones of the individual. I challenge you to think of a crime that has ever been committed by an individual that surpassed some of those just enumerated either in ferocity or devilish ingenuity. Society essays to teach its members to do right and to punish them for doing wrong, then it itself goes to extremes of cruelty beyond which imagination can-

not descend. It is but natural that the examples thus set will be followed by thousands of men and women according to their several individualities. They may have been pushed on by seeming necessity and swayed by passion, while society is supposed to judge cooly and calmly and with equity.

The individual hopes to avenge himself or gain some desired result. In his abnormal mental state, he burns the soles of his victims' feet to make them reveal their hidden wealth.

He may mutilate, degrade or kill. Society has as far surpassed his acts as its powers and opportunities were greater than his.

Crimes were old when he was born. Witches had been burned to protect (?) society. Nations had gone to war for revenge, and Cortez had roasted Montezuma several hundred years ago to make him reveal where his treasures were, and in doing so the examples of thousands of years past were being imitated and emulated.

The individual acts as he does because he cannot help it. With his brain developed just far enough to practice law or some other profession, or to work at some trade or dig in a ditch or sweep the streets, he is apt to take a narrow personal view of things. Having been taught that the universe was made for man's accommodation, that the sun and moon and all the countless stars that scintillate, light and heat, were ordered for man, he will most likely do more wrong than right. He sees things darkly. He needs more light.

"A man who knows that the law under which he lives violates the first principles of natural justice is bound to strive, by all means, to break down and defeat that law."—Wendell Phillips, speaking of Lincoln's election.

"So long as society bows and cringes to its big thieves, there will be enough little ones to fill the penitentiaries."—R. G. Ingersoll.

STEALING.

"Ah! but," I hear you say, "stealing is a crime, you won't deny that, will you?" Are you sure stealing is a crime? Are you sure as to what constitutes stealing? Be honest with yourself. Have you thought of the wholesale—the big thief, or only of the retail—the little one? Let us examine the matter. If I take a loaf of bread from the baker, or a dollar from your pocket, you will unhesitatingly call

me a thief. Why? Because I take from another something I had no right to take, something he or you had earned and for which I made no adequate return. Suppose then I break into your house and steal your jewelry, or into a bank and steal from the vaults some of the banker's hard earned (?) dollars. That would surely make me a thief, would it not? Or perhaps I was out of work and had a family that had reached the verge of starvation, and it had become a question of begging, or stealing, or letting the family starve. I decide to steal some bread. I get caught. All the world yells, "thief! thief! away with him to jail."

Let us look at the other side. I am a bank president, let us say. I want banking laws passed in favor of my interests. I bribe the legislators and get what I want. I get rich, but I did not earn nor give an equivalent for what I got. Society don't call me a thief because of this transaction, but a financier. Why?

Another man becomes a promoter, organizes a corporation, sells millions of dollars worth of stock, then reorganizes and squeezes out the little gamblers and becomes a millionaire. He is not called a thief, for he acted legally. Did he give an equivalent for what he got?

Another man, or set of men, get Congress to give them 200,000,000 acres of public land and other valuable concessions. They cause railroads to be built, then by manipulation the promoters become the owners. This public land belonged to you and to me. Did we get paid for our interests therein? No. Then was it not legally stolen from us, yet these men are called railroad kings.

Another man claims that God went into partnership with him in coal mining. He proceeds to take from the miners three-fourths of what they produce. Of course we don't call him a thief; no, he is a coal baron. But he takes four or five dollars daily from the pockets of thousands of men (or rather he keeps them from getting that much into their pockets), but if I should take one dollar out I would be a thief and not a "Baron." Why? Is it a matter of principle or is it the degree of the robbery that angers or mystifies you?

Still another set of men own through similar methods to those just indicated) the steel and iron industry and exploit from the workers millions of dollars. They are called captains of industry or philanthropists and are said to be indispensable to the progress of civilization.

Others adulterate our food, raise it in price, and are called shrewd business men. We send some of these big thieves to Congress or to the Senate, and many little ones to the workhouse or the penitentiary. So long as we apologize for the stealing of millions by some, others will continue, per force of example and dire necessity, to steal bread.

The Individual and the State.

If the individual has no right to steal, has the State—society, that right? Has it a right to become a partner in theft?

An Example.

A man steals fifty dollars and is caught. He is sent to prison for five years. The state hires him to a contractor for fifty cents per day to make shoes or brooms. But the prisoner does not get the fifty cents. The contractor sells the shoes in competition with union-made shoes. This causes an attempt to be made to reduce the wages of the union shoemakers. They strike. If the strike is prolonged some of the strikers will drift from city to city looking for work. Word reaches a striker from home that the last cent has been spent. The baby is ill or has died. Eviction is threatened or has taken place. Imagine the thoughts of the husband and father. What shall he do? He has no money. So driven by the storms of love and fear, of hope and hate, of desperation and despair, he steals and is caught. He is sent to the very prison in which the shoes were made that helped to force him to commit his crime. He in turn is hired out to a respectable contractor at fifty cents per day, which sum will not be paid to him, and for five years or more he will be robbed of all he produces. The State helps steal that much of his life, yet it was an act of robbery that made him a criminal. He becomes a criminal for stealing, let us say fifty dollars, yet the State and the contractor steals ten thousand dollars worth of his labor power; but because it is legally done we apologize and talk of protecting society. That is not all. What will become of his wife and family while he is being thus robbed? Does society take care of them? What have they done to forfeit their right to live? They are left dependent and helpless, perhaps to be scorned because the husband and father the state helped to make a criminal is a convict.

The crime society commits against this family is a thousand times greater than that committed by the husband. Think of what the wife must feel. She knows she is not to

blame. The children know it is not their fault. She may be driven to prostitution and the children may imitate the **State's robbery of their father and turn to theft.** If they do, our moralists and other "goody-goodies" will say, "like father, like children," and will point to them as examples of individual depravity, and will be the first to urge that these child victims be imprisoned. And, if that is done, they will thank God that society has protected itself, and go on supporting the system that produces such results.

To the above must be added this further fact. Suppose the convict does not work as fast as the contractor thinks he should. Suppose he does not complete his daily task satisfactorily. Suppose he is found "loafing" on the job, trying to keep back a few moments of his miserable life that had been bought by an honest (?), respected contractor from the State, and suppose that fact is reported to the officials of the prison. The water cure may be applied as in Moundsville, West Virginia, or if in Richmond, Virginia, this alleged "hardened wretch" will be manacled flat on his back on a cement floor, arms and legs extended so he cannot move, and there he will be left for four hours or more as a **punishment** for refusing or failing to produce a given amount of profits that would have been legally stolen from him.

Can barbarity in theft sink much below this, or a more hideous example of injustice (which after all is the fruitful parent of crime) be more complete? Many prisons inflict similar punishments on their convicts. Massachusetts manacles their wrists, stretches them upon a "slide" until the toes just touch the floor, then administers from thirty to sixty lashes, most of which "draw blood." Georgia bends its convicts over a barrel so the skin of the naked back will be tightly drawn, then applies the lash sixty times. This is done, mind you, as a "punishment" having for its object, we are told, the reformation of the robbed victim. This is done, it is claimed, to make him honest and industrious, virtuous, charitable and humane. The State is the real criminal.

A Sample.

The press announces that the State penitentiaries of Mississippi last year cleared the State $178,000. This means that the people of Mississippi robbed its unfortunates, by force, of $178,000. It is probable the convicts stole no more in the aggregate than that. And they are no more guilty than are the people who robbed them.

We also find the nation in partnership with big thieves as the following official arrangement unmistakably proves:

"Prominent stockholders and directors of the sugar trust were in grave danger not long ago; the doors of our penitentiaries were opening for them. They have succeeded, however, through their control of 'the powers that be,' in bringing about the most delightful arrangement. The attorney-general of the United States, until his appointment, was a sugar trust attorney, familiar with the methods of the trust, exhibiting even now a remarkable sympathy for its officials in their difficulties. The general counsel for the sugar trust is an ex-assistant attorney-general of the United States, loyal to the powers that be, familiar with the **methods and secrets** of the **attorney-general's office.** The brother of the President of the United States is one of the attorneys for the sugar trust. A President of the United States advised against a congressional investigation of the sugar trust for the reason that it **"might prove embarassing."** The last (?) frauds by the sugar trust were committed in 1907. The statute of limitations will soon be a bar against **criminal prosecution."**

This is quoted for the purpose of furnishing you an idea of how the big thieves are protected by the nation. A few hired employes of this trust who did as they were told may be sent to prison. Those who profited by the frauds—who got the dividends, will escape and remain eminently respectable. So long as profits are legalized, so long as the State and Nation protects the big thieves of her own making, little thieves will increase in number.

Society's Crime Against Womanhood.

If a tree may be judged by its fruit, so may a system be judged by its results. See how our "best citizens" shun the fallen woman. We know that when the price of bread is raised, when rent, oil, meat and thread advance, when the necessaries of life go up, and wages do not keep pace, the standard of life comes down, and while we may not know whose daughters it will be, we do know some one's daughters will be forced upon the street to sell their bodies for bread; and we know that when the first such sale is made, the door of the pit of our social hell opens and the girl's doom is sealed.

At best, a woman's wage barely suffices to keep soul and body together. Raise the cost of her living without raising her wages and the line of demarcation between virtue and vice will be wiped out, and many of them will be driven by necessity to a "life of shame." Anything that strikes a vicious blow at womanhood, anything that lowers her

standard of life, that destroys her self-respect, and that finally plunges her into the unspeakable depths of prostitution, is a crime, than which there is none more damning. Society permits, in fact legalizes, hence encourages those raising prices. Many of those who profit and grow rich by reason of these prices make the loudest outcry about the social evil. Who are the **criminals?**

Child Labor a Social Crime.

Who can fully portray the infamy of child labor? Two million children that ought to be in school are being exploited, literally ground into profits. In the warp and woof of the silks and satins that bedeck the bodies of the rich is the sweat and blood, and the blighted hopes and honor, of thousands of girls and boys.

I have stood beside the factory gates and have seen the stream of childhood go through in the morning, and have seen them come out at night, some of whom had lost a finger, or a hand or a limb. All of them had been robbed, and, as I looked and listened, in imagination I have tried to draw a mental picture of what it foreshadowed. I heard the oaths of some, and I knew they had been sworn at in the mill. I heard the rude jests of the others and I knew they were looked upon as animated machines and had neither the opportunity nor the means necessary to refinement. Many of them were deformed in body, mind and soul, and I knew why. Here and there was a sweet-faced girl or a bright boy, and I knew that in their hearts (as well as in those of nearly all of them) there was a "longing for something better than they had known." I looked just a little into the future and I heard promises being made to these girls, promises of fine clothes and good furniture and an easy life. I saw some of them yield, and soon there was another recruit in the ranks of the "fallen," or a suicide's grave. I looked again, and those bright boys, some of them, tried to imitate the high financier (only they were on the wrong side of the desk or counter), and were caught and sent to prison, which was the beginning of the end—a criminal career—a life sentence or the electric chair. Then I heard labored sermons preached to these child slaves in which the fall of Adam, human depravity, innate sin, and God's loving kindness were so insanely mixed that I could not help exclaim, "Damn such doctrines!" Then I also saw the vast majority struggle on, some for a few years, and then fill a premature grave; others drag out a miserable

existence of poverty and hard labor; and I wondered how long a nation could survive that permits, much less legalizes in any degree, such hellish infamy.

Yet, such is human nature, that in spite of this child labor curse, some of those children turned out to be splendid men and women, and I have said "any of them could have become as good as the best did become, and the best would have risen infinitely higher, had none of them been robbed, but had received civilized treatment instead of the kind that suggests the conscience of a hyena or the heart of a boa-constrictor." Again I ask, **"Who are the criminals?"**

These children dimly know they have been robbed of life, of health, of intellect and of spirit. "In their cramped and deformed souls the fires of an unextinguishable wrath begin to burn. They go through life hating society, hating everybody and everything. For, they know that a system of industry, a state of society has worse than murdered them."

What part have you played in this tragedy?

The Child's Environment.

"I have before me a newspaper report of an interview with Mr. George Jackson, secretary of the Middlemore Children's Emigration Homes. This society was founded some thirty years ago, and has since sent out to Canada more than three thousand children from the slums.

"The children came from the worst of slums and from the worst of homes. They are spoken of by the reporters as being rescued from homes "where they are in daily contact with grinding poverty and misery, in an atmosphere of moral and physical foulness, with parents who are drunken, criminal and inhuman." And of these three thousand waifs not two in a hundred turned out badly.

Of these three thousand children two thousand nine hundred and forty were saved—by a change of environment. Had the environment been left unchanged probably not 2 per cent. would have escaped ruin. As their parents were, so would they have been. Had their parents been rescued in their youth only 2 per cent of them would have failed.

"The experience of Dr. Barnardo and his friends with the children taken from the slums was very similar. The percentage of failures was small, and the London papers, in their obituaries of the good doctor, speak enthusiastically of the value of his work, and say that thousands of children rescued by him and his agents 'are now steady and prosperous citizens beyond the seas.' Since Dr. Barnardo took up the work **over fifty-five thousand children have been saved**—by changed environment."—Quoted by Gertrude B. Hunt.

MURDER.

"As long as nations meet on the fields of war, as long as they sustain the relations of savages to each other, as long as they put the laurel and the oak on the brows of those who kill, just so long will citizens resort to violence, and the quarrels of individuals will be settled by dagger and revolver."—R. G. Ingersoll.

"Thou Shalt Not Kill"?

Some one asked me not long ago if I was trying to defend criminals, especially murderers. I asked which ones were referred to—the rich or the poor—the retail or the wholesale murderers? Most people speak of "murder" as though they were sure they knew what they meant. What is meant by **murder?** The reply will most likely be: Taking human life; killing of one person by another. Taking just one life, or many, killing one person or a multitude? As in the matter of theft, the thing or act that is called a crime can be and often is changed by law into an alleged virtue. For example: If I steal a loaf of bread to keep myself or babies from starving, I am a thief; but if I exploit thousands of working men, women and children of nearly all they produce—equal to millions of loaves, I am not a thief, but a business man fit to be a United States Senator. If I kill one man I am a murderer (that is if I am not a millionaire), but if I cause the death of a million men I am called a hero—a great ruler, or statesman. Let us put the case in this way. Suppose twelve men get together and plot to kill a man. That is called conspiracy to murder, and if they carry out their plot they are called murderers. Then suppose twelve other men are called together and listen to the reasons that are alleged to justify the killing of the first twelve (the "conspirators"), and they finally decide it must de done and it is done. Are they murderers? No, they are a jury. But don't you see they caused twelve men to be killed, and it was the killing of a man **per se,** that was called crime, but by a legal turn killing twelve men is not a crime, but a necessity—hence a virtue (?).

Let the matter stand clearly on its merits. If one man has not the right to kill, because taking life is a crime, have twelve men—a jury—the right to kill? Don't forget that it was taking human life, killing some one that constituted the crime that so frightened society for its own safety that it decided to commit the same kind of a crime that had so shocked its moral sensibilities as well as aroused its

fears. Don't dodge behind the "legal" pretext. That only clouds the principle at issue, which is, is it right to kill? You may ask: "Have I the right to defend myself even to taking the life of another, if to do so would save my own?" That only begs the question—First: Because just so long as taking life is legalized, the necessity for personal protection will remain. Second: The lives of the jury and the judge were not in danger, so there is no parallel in the premises. You may be forced to act hastily and on impulse; they are supposed to deliberate calmly and act judicially without prejudice or passion.

That society must protect itself no one questions. Dare it sow the seeds of crime and then damn the harvest? May it kill, then kill you for following the example it sets? Put the case this way: If I kill one man I am called a murderer and I am killed by the State because the State sets such a high value on life (?). But, suppose I am a general and help to kill five hundred thousand men. I become a hero—am crowned with the "laurel and the oak"—will be met at the depot by the elite of cities, with banners and bands—will be escorted to the best hotels, then to the finest opera houses, where my killing exploits will be listened to with almost breathless interest (even though I boast of having shot a Spaniard in the back). Can you not see that the psychology of the recital of these wholesale murders, so heartily approved by organized society, tends to fan into flame the killing instinct, and, therefore, sows the seeds of many future individual murders? "Oh, but," you say, "that was done in war, done for the glory and protection of the nation." Don't you know that back of every war there was an economic cause, the same kind of greed and desire for gain that actuates the individual also actuated the State, carried out on a larger scale by the State than the individual could. The difference is in degree, not in principle.

You may object to or deny the correctness of this position. It may be claimed that our Revolutionary War, the defense by the Boers, and our Civil War prove me wrong, or else there remains no room for patriotism.

As a matter of fact those wars prove me right. King George's greed forced us to fight. He and his titled satellites wanted more and more power over America to the end that they could exploit us more. If the Boers were right, England was wrong. If the North was right (in our

so-called Civil War), then the South was wrong, and so also in the case of Russia and Japan. The wrong grew out of economic causes, a desire to exploit, to get territory, so in order to accomplish these economic ends, men became savages and killed each other. Patriotism is the antithesis of tyranny and would never be exemplified in war if tyranny did not force the issue. Wars are not caused by the defenders of a country, hence have no justification. It is the magnitude of the conflict, the awful grandeur and display, the pity for the suffering endured, the heartaches for the dead and the false teachings as to patriotism that obscures the actual right and wrong of the causes that were responsible for the wholesale murders that are glorified by the name of war.

"Patriotism," said Dr. Johnson, "is the last refuge of scoundrels." Patriots are not scoundrels, but most all scoundrels pretend to be patriots, and they are the first to cry "treason" at those who try to expose their villainies.

Those who conspire to steal a nation's resources, who bribe legislators and gamble in the necessities of life, are the greatest **verbal patriots** we have. If facts were given in all questions instead of appeals to patriotism, wars would soon cease. Nations make war (wholesale murder) a business; **they pay, train and drill men to plan and kill.** Naturally, if ideas of peace become generally diffused and definitely fixed, these uniformed mercenaries would soon lose their jobs.

In settling (?) their disputes by war, nations use no more judgment than bar-room loafers do in the settlement of their disputes. Those differ in pretended causes, so do these. Honor, dignity, national or personal pride or interest are reflected in the quarrels and murders that startle and shock us with such an increasing frequency. In the personal cases we often say "drunken brawl," in the other we yell "patriots," and shout "glorious war," but the harvest in both is wounds and death.

A legal killing is "an invitation to and keeps alive the mob spirit, for many will feel they have a right to do quickly and cheaply what the law would have done slowly and at great expense."

Murder is the external and visible indication of an internal disease. When the human body contains many boils, carbuncles and cancers, all will agree that the blood is

impure. When pains rack and fevers burn, constitutional causes can be found. Crimes are but social pains. When they increase in number, variety and intensity, society is diseased. The remedy must be as thorough as the cause is deep. If your blood or system is poisoned, will you try to retain the poison, and yet expect to get well?

Society legalizes profit-taking, then pretends to punish some profit-takers. Society legally kills, then speaks of individual murderers as criminals, forgetting or not knowing that they fatten on what they feed and that she furnishes much of the food.

Don't for a moment imagine that I am denying the right of national or self defense, or that I regard the murderer or thief as a model citizen. Punishment for the sake of punishing does not make for protection. Stealing from a thief does not reform the first thief nor sanctify the second theft. Killing a murderer does not add sanctity to human life, but the reverse.

When we find the big thieves pardoned and the little ones serve from one month to a life sentence for stealing a loaf of bread or a coat, and the rich murderer escapes through a technicality while the poor one is hung or electrocuted, we are apt to have a righteous contempt for the hypocrisy involved and many will be driven to those excesses that threatened the very existence of organized society. So, if society wants to protect herself, if she regards her own existence with any degree of respect or reverence, she must remember that she is composed of individuals, and as she treats them they will treat her. Society must set the example she wishes followed. If she says **"Thou shalt not steal,"** then she must not steal, nor go into partnership with any brand of thieves. If she says, **"Thou shalt not kill,"** then she dare not kill, for in breaking her own commands she loses the respect of all honest people and invites those disasters that constitute her danger. What, then, shall be done? What shall she do? These are pertinent questions and I shall deal with them directly.

REMEDY.

Society must protect herself. But how? Suppose the existence of a large swamp, the water of which is putrid, covered with scum. Around this swamp there is splendid land, a deep, rich soil, easy of cultivation and inhabited by thousands of people. Suppose again that these people had suffered, and many had prematurely died of fever and ague, and again suppose some one or more among these people would suggest that they "drain the swamp"; what would you think of the intelligence of the rest of them if they called their advisers "drain agitators," and would add "that swamp always was here and always will be." "God intended it to be so or he would not have put it here." "Go to, thou long-haired dreamer, all we need is healthy men and women." "See," they might say, "how long some of us have lived, and it is the fault of each that died that they didn't live longer." "This is a free land and every one can be healthy if they so will it, and if any are not, it is their own individual fault." "All we need is healthy men."

The drainers might say, "But, neighbors, disease is increasing among us, conditions are changing, we are dumping our refuse, our sewage into that swamp and that in turn adds poison to the air we breathe. Let us drain the swamp and the sun will soon dry and purify the land now covered by that water, and that in turn can be used for abundant crops. It is now useless." If the drainers should then be driven into exile and the rest should continue doing as their "fathers did," I ask again, what would you think of them?

We have a political and an industrial system that affects our morals and our lives, from the standpoint of criminology at least, very much as would the supposed swamp affect the lives of those around it, and we may safely call it the swamp of Capitalism. This swamp is composed of and based on the robbery of the working class. It gathers corruption and grows larger on vice, and from its surface and beneath its scum it exudes and exhales all the crimes mentioned in the Decalogue, and more so, as it produces individual and national shame, despair, misery and general desolation, and, as some one has said, "it poisons felicity, kills peace, ruins morals, slays reputations, wipes out national honor, then curses the world and laughs at its

ruin," and in spite of this we often hear people say, "All that is needed is that honest men be elected to office."

"Drain the swamp," or, as the Socialists say, "Change the system." "No," say the apologists of capitalism, "just elect honest men." Elect honest men to make laws to perpetuate this industrial swamp! If capitalism, as exemplified in its present tendency, is responsible for one-half the Socialists charge then it should be abolished. It won't do to say "it always was so and always will be"; or that God gave us free wills, so each one could do as he liked. If we have free wills, we have the right to use them in changing the system in draining the swamp.

The tools of industry, like the land in the swamp, are essential to our needs. Corporate ownership of them spells slavery.

Social ownership and control means reclamation and equitable utilization.

In this connection I desire that you read carefully the following extracts from Lester F. Ward's "Psychic Factors of Civilization, page 320:

"Under the system as it now exists the wealth of the world, however created, and irrespective of the claims of the producers, is made to flow towards certain centers of accumulation, to be enjoyed by those **holding the keys to such situations,** 'the means of production and distribution.' The world appears to be approaching a stage at which those who labor, **no matter how skilled, how industrious or how frugal,** will receive, according to the 'iron law' formulated by Ricardo, only so much for their services as will enable them **to subsist and to perpetuate their race.**

"The rest finds its way into the hands of a comparatively few, **usually non-producing individuals,** whom the usages and laws of all countries permit to **claim that they own the sources of all wealth and the right to allow or forbid its production.**

"These are great and serious evils, compared with which **all the crimes, recognized as such, that would be committed if no government existed, would be as trifles.**

"The underpaid labor, the prolonged and groveling drudgery, the wasted strength, the misery and squalor, the diseases resulting, and the premature deaths that would **be prevented by a just distribution of the products of labor, would in a single year outweigh all the so-called crimes of a century,** for the prevention of which, it is said, governments alone exist.

"This vast theater of woe is regarded as wholly outside the jurisdiction of governments, while the **most strenuous efforts are put forth to detect and punish the perpetrators**

of the least of the ordinary recognized crimes. This ignoring of great evils, while so violently striking at small ones, is the mark of an effete civilization."

I request you to read those quotations again. There is involved in them the essence of every claim put forth by me, as to the source and perpetuating cause of crime.

Note what he says about the just distribution of the products of labor. (The black type is mine.)

Again on page 323 he says:

"The individual has reigned long enough. The day has come for **society to take its affairs into its own hands and shape its own destinies.**

"The individual has acted as best he could. He has acted in the only way he could. With a consciousness, will and intellect of his own, he could do nothing else than pursue his natural ends. He should not be denounced nor called any names. He should not even be blamed, nay, he should be praised and imitated. Society should learn its great lesson from him, should follow the path he has so clearly laid out that leads to success. It should imagine itself an individual, with all the interest of an individual, and becoming fully **conscious** of these interests it should pursue them with the same indomitable **will** with which the individual pursues his interests. Not only this, it must be guided, as he is guided, by the **social** intellect, armed with all the knowledge of **all individuals** combined, which so great labor, zeal and talent have placed in its possession, **constituting the social intelligence."**

Let us look at the matter another way. Food, raiment and shelter are absolutely necessary to our very existence; therefore, nothing is of more importance to us than its **production and distribution.** The greatest of all problems then is, how to get a living. That problem is an economic one, and its solution involves the solution of every problem of industrial, political and social life. All struggles between man and man, between nation and nation, have an economic base, grow out of exploitation made possible by the private ownership of the means of life.

If in proportion as the struggle to get a living grows more difficult, crimes increase, and they do, then the remedy for or the thing to be done to prevent crime is to make it as easy as possible to earn a living, and see to it that none who are able to earn it shall live in idleness off the labor of others. "He that will not labor, neither shall he eat."

We must see to it, since an abundance is so easily produced, that it be equitably distributed, that is, that each producer gets the social equivalent of all he or she produces.

If the human body contains plenty of blood, but it congests around the heart, disease and death will result, if circulation cannot, in a reasonable time, re re-established. While congestion obtains, the body will be afflicted with a multitude of symptoms and pains mental and physical.

There may be plenty of food in a nation, but if it is concentrated, owned by a few, then crimes, which are but social pains, will logically follow. Good circulation of the blood and good health follows. Just distribution of the products of labor and good social health will result. As good social health appears, crimes (social pains) will disappear. Most of us seem to fear that civilization would disappear if we ceased to imprison our social mistakes, the children of our industrial tyranny; or that society would be in danger of extinction if the shadow of the gallows should cease to fall athwart the doors of our schools, our temples of justice (?), our churches and our homes. The shadow of the gallows, like that of the deadly upas tree, blights, if it does not kill, everything it touches.

You may ask what shall we do with our criminals while we are draining the swamp, that is, changing the system, inaugurating Socialism.

I reply it is a thousand times better to prevent crime than to punish the criminal after the crime has been committed. The first thing, then, to do is to commence at once to take possession of the machinery of government and use it to legalize our actions in reclaiming and restoring to the wealth-producers the land and mines, and mills and roads, in short, the tools and means of production and distribution and communication. By doing this the causes that produce criminals and induce crimes will be in process of removal, and as it approaches completion, crimes and criminals will disappear. It may be asked, are the criminals in the meantime to be allowed to run free? No, neither the big ones, nor the little ones.

It is now being proven, in both Elmira, N. Y., and Cleveland, Ohio, prisons that the more humanely the prisoners are treated, the more complete their reformation.

A more illuminating example of the effects of humane treatment of "criminals" is furnished by the State penitentiary of Oregon. So-called "hardened wretches" have so completely changed, not in nature, but in character, that the most skeptical have been convinced.

Let one of the "convicts" tell the story:

"They Are Making Men Out of Us Fellows."

"There isn't a man who has good sense in the 450 down here who doesn't appreciate the new system; we all feel different, a lot of us are contented right in this prison and a lot of us are getting more real education than we ever got in a university.' That was one of the things Ed Martin, graduate from West Point, serving fifteen years for the murder of Pawnbroker Wolfe, said about the Oregon system of handling convicts.

"I was a dope fiend, a wreck; I had never been a man since I got the morphine habit while sick with fever in the Philippines" (See, he was a soldier in the Philippines; what for?), said Martin, "but since I have been down here I have conquered the drug habit entirely, I have been reunited to my father, who had given me up as hopeless, and I am getting more real, worth while education in this prison than I did at West Point, or in the other schools and colleges I attended.

"They are making men out of fellows who went wrong down here; **they used to make brutes out of men who wanted to reform.**

"There isn't one man in a hundred in prison who won't straighten up if he has the chance. We feel different since we are treated differently; we can be in prison and still keep our self-respect, and there isn't a man of us who would 'throw down' the governor or take advantage of the leniency of the new system."

Change Comes Quickly.

The change has come in six months, most of it in two months. It has come because Governor West had to do something radical. He decided to try the square deal policy.

He put the prisoners on their honor and turned them loose without a guard. Only three weak-minded ones, out of a hundred and fifty, ran away.

On the day I visited the penitentiary there were forty-seven convicts working outside the prison walls, under no guard whatever, some of them fifteen miles from the penitentiary. Those slept outside the prison.

If so much can be done for those who have fallen by this limited measure of justice, what think you would be the result if justice had obtained from their birth?

Judge Lindsey, of Denver, Colorado, is proving that boys and girls are innately good, as well as bad.

Turn the prisons and penitentiaries into industrial hospitals. Treat the convicts with the view of curing their mental diseases. Put them to work, pay them the same wage they could get for similar work outside. Useful work is medicine to the mind if fully compensated. If any of them have families or other dependents, see that they get all the wage above the prisoner's keep. Those who have no dependents should be made to save their wage, so that when freed they would have something to live on till they found a job. Those found to be incurable should be kept confined.

PREVENTION.

It has recently been claimed that "sterilizing the unfit" would prevent such a multitude of crimes by a simple operation that is so humane by comparison with our murderous methods of alleged prevention of crime and protection to society that it has become our duty to investigate these claims.

The results claimed for this method or means of national safety are most amazing, so much so as to be beyond belief were they not backed up by unimpeachable authority with substantial facts right at hand.

The "unfit" would leave no offspring cursed with their taint; they could not reproduce their kind. Society would not become a murderer, and yet she would as humanely as possible protect herself for the future. This involves a most marvelous possibility for current good.

HUMAN APTITUDES.

No normal child refuses to play. When we see a child that will not play, we know there is some mental or physical defect that prevents. If the defect is physical only, the desire will be present.

In such cases we sympathize and would do all we could to remove the disability.

You may direct and instruct the child to play at the games you think best, but you cannot **force** it to play at those it don't like.

It is the duty of society to discover the aptitudes of her children. If that were done, and they were trained, guided and directed, humanely as becomes a civilized society, till maturity was reached, and if then opportunities were open to each man and woman thus trained, such as Socialism proposes, crime would be reduced to the minimum.

When a man is "lazy" and won't work, we hate him (if he is poor). We never think it is possible he has not got or never had a job that was suitable to his aptitude. See the man who likes his work. The days go all too quickly for him. To such a man work is a pleasure. Look at another—he is always tired, complains of the length of the day, asks every hour "What time is it?" Yet the character of the one man may be as good as that of the other.

No good mechanic would allow his inanimate material to go to waste. **Society cannot afford to allow her animate material, her boys and girls, to become failures.** These questions of aptitudes and opportunities are not surpassed in importance by any others.

In the meantime, while society is being forced to move forward to the proper consideration and appropriate application of these civilizing factors, we need not neglect the human failures we have already, and will, in a measure, continue to make.

If jails and penitentiaries must for a time remain, we at least can place men instead of brutes, put our best instead of our worst, in control.

The jailer should be a mind specialist. He should know something of the "philosophy of mind, the causes of human actions and the real science of government."

He should know whether the brains of criminals are

"exactly like those of honest men." He should know something of heredity.

Diseases of flesh and blood are transmitted. "Are diseases of the brain, are deformities of soul, of the mind, also transmitted?"

Each individual case should be scientifically treated, and above all, punishment should not be inflicted nor justice abandoned. The prisoners should not be robbed.

Only a few can paint a beautiful picture or compose an inspiring song. We say it takes genius to do these things. We don't call those criminals or immoral who cannot do them.

To be able to tell the truth, to be honest, requires not only some genius, but some incentive.

Commercialism offers the greatest incentive and the largest rewards to the most successful liars and legal thieves.

Let us change the system so that truth and worth will be rewarded. Can that be done? It must be done, and it can and will be done.

OPPORTUNITY.

Socialism comes in at this point and points out the solution.

It demands social, that is, collective ownership and management of all jobs by collectively owning all the means of production and distribution.

It demands not only such ownership, but that each worker shall receive the social equivalent of all he produces.

It demands that all things socially used shall be socially owned, and that all things privately used shall be privately owned in proportion to the service rendered by the user.

If one man owned the whole world all the rest of us would be his vassals, his slaves. If a few men owned the world the rest of us would be their servants. If all the people collectively owned the world there would be no slaves. Ownership carries with it the right to govern, to control the thing or things owned. Ownership by a few means autocracy; ownership by all means democracy.

The autocrats own the jobs of the rest of us, and he who owns our jobs can control our lives. This is the essence of slavery.

"exactly like those of honest men." He should know something of heredity.

Diseases of flesh and blood are transmitted. "Are diseases of the brain, are deformities of soul, of the mind, also transmitted?"

Each individual case should be scientifically treated, and above all, punishment should not be inflicted nor justice abandoned. The prisoners should not be robbed.

Only a few can paint a beautiful picture or compose an inspiring song. We say it takes genius to do these things. We don't call those criminals or immoral who cannot do them.

To be able to tell the truth, to be honest, requires not only some genius, but some incentive.

Commercialism offers the greatest incentive and the largest rewards to the most successful liars and legal thieves.

Let us change the system so that truth and worth will be rewarded. Can that be done? It must be done, and it can and will be done.

OPPORTUNITY.

Socialism comes in at this point and points out the solution.

It demands social, that is, collective ownership and management of all jobs by collectively owning all the means of production and distribution.

It demands not only such ownership, but that each worker shall receive the social equivalent of all he produces.

It demands that all things socially used shall be socially owned, and that all things privately used shall be privately owned in proportion to the service rendered by the user.

If one man owned the whole world all the rest of us would be his vassals, his slaves. If a few men owned the world the rest of us would be their servants. If all the people collectively owned the world there would be no slaves. Ownership carries with it the right to govern, to control the thing or things owned. Ownership by a few means autocracy; ownership by all means democracy.

The autocrats own the jobs of the rest of us, and he who owns our jobs can control our lives. This is the essence of slavery.

CONCLUSION.

An independent free man will be the most moral.

If this is not true, then slavery would be the ideal condition of mankind.

Freedom cannot exist without an adequate economic foundation.

The essential factors of such a foundation are:

First—The unabridged opportunities to an equitable use of nature's resources.

Second—The unqualified right to enjoy **the full** equivalent of the results of one's labor, and,

Third—The untrammeled ownership of a home.

Social ownership of the means of production and distribution will make possible the unabridged opportunity to equitably use nature's bounties.

Social ownership will afford each producer the right to help direct the methods of production and **distribution,** as well as confer the power to make the right of each to the full equivalent of his or her labor effective.

The enjoyment by each worker of his or her full social product will make it easy to **own a home.**

The more homes and firesides, literature, pictures and music, the less crimes there will be.

As such home-ownership increases, prisons will disappear.

We have found antitoxins for diphtheria and smallpox, and we use them.

Liberty and freedom are the antitoxins for crime.

Socialism stands for the economic liberty and freedom of **man, woman and child.**

Therefore in Socialism will be found the remedy for society's crime-diseased condition.

Socialism will stop crime by making mankind free.

Free men will **not** be criminals.

J. W. SLAYTON.

THE UNITED STATES CONSTITUTION.

A CLASS DOCUMENT

It Was Intended by Its Framers to Be, and Has Been, Used Almost Solely in the Interest and Defense of "Property Rights" as Against "Human Rights."

It has been said that the "Declaration of Independence was written by a statesman; the United States Constitution by politicians." *

I believe the statement is relatively true, and shall give my reasons for so believing.

The Declaration tells us we have the right, and that at times it is our duty to "alter or abolish" governments and to institute new ones, "laying their foundations on such principles and organizing their powers in such form" as will seem most likely to effect our "safety and happiness."

The Declaration expresses the spirit of democracy and upholds the "Rights of Man."

The Constitution incarnates the spirit of autocracy, provides for and makes possible a "strong centralized government," and upholds the "Rights of Property as against the Rights of Man."

We Have Been Misled.

So much has been said and written in praise of the Constitution, and of the leading delegates who sat in the Convention of 1787 in which it was framed, that few of us have ever taken the trouble to look for the facts, in the light of which we could get an understanding of that document, and without which little can be understood.

*All references to authorities quoted will be found on pages 59 and 60.

We have believed without knowing why; we have accepted without knowing what.

We have been led to believe that our Revolutionary forefathers were almost, if not quite, superhuman patriots, and as such, all they did was done without any, or at most with very little, personal bias or hope of personal gain.

As a matter of fact, they were as human as we are today, and some of them were past-masters in the art of playing politics.

Some History.

A brief review of the conditions that obtained prior to and which led up to the Revolution, as well as of those obtaining between the surrender at Yorktown and the framing of the Constitution, will be illuminating.

No one can or will doubt that our forefathers had plenty of "grievances" against King George and his titled satellites.

I do not intend to minimize the courage nor the work of our Rebel fathers. I only want you to see them as they were, not as some have painted them.

They were men, not gods.

I do not want you to cease respecting many of them, but I do want you to quit paying reverential obeisance to the memory of some of them.

"The Tea Party."

Take for instance the much-lauded Boston Tea Party. It is alleged that the purest of patriotic impulses prompted those disguised patriots, when they threw that historic cargo of tea overboard.

That Is Not True.

We have been taught that the unjust tax on tea was responsible for that "Party."

As a matter of fact, the tax on tea had been removed two years or more before that remarkable event took place.

"Smugglers."

Smuggling was a common practice among our New England progenitors.

It has been said that one word fully descriptive of the use to which they were put, could have been written across the prows of most of our coast vessels of that day, and that one word is "Smuggler."

Special taxes on glass, paper and tea were imposed in 1767. Those on glass and paper were removed in 1770, but that on tea retained for a short time, mainly for the purpose of maintaining the right of Great Britain to tax the colonies, and, next, to aid the East India Company, which was pleading piteously for help. (Just as our modern trusts plead).

The refusal of the colonies to buy the tea resulted in filling the London warehouses of the East India Company to overflowing with surplus stock. Then England reduced the tax to almost nothing, thus enabling the colonies to get tea at a far cheaper rate than before.

So long as these imposts remained, "the colonies formed leagues refusing to use these taxed articles, while at the same time they encouraged smugglers to land them, secretly." (2)

Economics Not Patriotism.

So long as the tax was on tea, it was high in price, and smuggling was very profitable; just as tariff helps our trusts, so the tax helped the smugglers. But when the tax was removed, the price fell accordingly, and smuggling received a hard blow.

This was evidently one of the reasons for its removal; so, to "get even," some "patriots" disguised

themselves as Indians and destroyed a quantity of tea.

Today many of our tradesmen destroy oranges, cotton and other goods.

We don't call them patriots.

Back of the destruction of that tea, and these necessities, was and is the same object—personal gain.

Why should **Patriots** disguise themselves?

Was it disinterested patriotism so to act as to place the blame on innocent Indians?

Some Special Patriots (?).

John Hancock, whose name is so illustrious, "was to have been tried for defrauding the customs on the very day the first shots of the Revolution were fired at Lexington. He had indulged in the gentlemanly occupation of smuggling." (3)

The Revolution saved him, for had he been found guilty his fate would most likely have been imprisonment for life, or worse.

So when he pledged his "life," his "fortune" and his "sacred honor" he had everything to gain and nothing to lose in the conflict.

"Washington, the man who could not 'tell a lie,' had stolen 30,000 acres of land from the English government while he worked as a government surveyor, and when these possessions were endangered by the 'Quebec Act' he sent Benjamin Franklin to London for the purpose of squaring things by 'seeing' certain government officials. This certainly shows considerable business ability on the part of Washington, and a man who could steal in this business-like manner must have possessed that other indispensable qualification for business success, a facility for lying." (4)

"In 1774 he wrote a ship captain expressing his wish for a supply of servants to place on his Ohio lands. He wrote of his desire to import them at his expense, 'where they are unable to transport themselves into the Potomac River and from thence to Ohio, to have them, in the first case, engaged to me under indenture; in the second, by some other contract equally valid, to become tenants upon the terms hereafter mentioned."

"The terms suggested are, that the slaves jointly bind themselves to reimburse Washington for any losses he might sustain by deaths or accident." (5)

Under the terms of indenture it was provided that those who survived the hardships of transportation (and they were terrible) were to jointly make good all costs, debts and all other claims the slavers might impose on the purchaser, and, as a rule, that meant **servitude for life.** Yet Washington could not tell a lie. (!)

He was a member of the Ohio Land Company, which was organized in 1749. "King George generously gave these speculators 500,000 acres on which they were to plant one hundred families and maintain a fort." (5)

"In 1787, while Washington was presiding over the secret Constitutional Convention in Philadelphia, the agent of the company, Manasseth Cutler, a preacher, was in New York 'steering' through Congress what McMaster calls "The first great land job of the republic."

"While Washington was serving his first term (as president) the same corporation, in 1792, secured another concession (the third one) of nearly 1,000,000 acres, paying for it in certificates of public

debt and army land warrants purchased at a heavy discount." (6)

Patriots or Business Men?

This rebellion, which later (when successful) became Revolution, was not brought on by, or for the benefit of the working class, but by the trading class, who wanted to become, and later did become, the ruling class.

Those who were blazing the way through the forest; clearing the land, guiding the plow, and whose labor was making the country worth fighting for, were not consulted. They took little or no part in the disputes that raged in the towns. They were not writing pamphlets, (which at that time fell like leaves in the forest and kept the contending business interests at fever heat); they were writing history with the axe, the plow and the gun.

The whole contention was being waged by and between the gentlemanly traders of England and those of the Colonies.

These descendants of the men who, when they first landed, "fell on their knees, then on the Aborigines," did not propose that, since they had to steal this country from the Indians, it should be stolen from them and controlled by others.

They were contending for the control of a vast domain. It was business with them and nothing else.

I am not blaming them for that. It was worth contending for then and still is. They took it from King George, as well as from the Indians; they became rebels to "their government" and advised us to follow their example whenever we, in our judgment, deemed it necessary or advisable.

The working class ought to, and sooner or later will, follow their advice and profit by their example.

Pamphleteering.

That period has been called, "The Age of Pamphleteers." No political campaigns (?) of modern times have been more bitterly fought than were those conducted by these "Patriots" against their enemies, and often against each other.

The bitterest invective that pen could write or tongue speak, the most sweeping denunciations and accusations that mental ingenuity, intensified by religious bigotry, could suggest, were indulged in.

Individuals were tarred and feathered, then exiled. Enemies were mutually consigned to hell and commended to the care of the Devil. It must also be remembered that not so long before this period "witches" were executed regardless of age.

Here and there on each side of the general controversy, there appeared a writer or disputant whose labors seem to have been animated by real patriotic motives, indicating very little of personal ambitions.

Tyler devotes nearly a whole volume of his "literary history" to this period, detailing the rancorous strife then current. In the midst of all this confusion, ill feeling and self interest, the "Tea Party" was held and later the rebellion started.

Class "Interests."

Many of the respectables and all of the conservative classes were against the rebels. Then as now, the "established order" was thought to be "good enough, safe, sane and conservative." "For instance, there was the official class, that is, those holding civil, military and naval positions, their families and social connections. Next were the Colonial politicians who, it may be admitted, took a rather selfish and unprincipled view of the whole dispute, and who,

counting on the probable, if not inevitable, success of the British arms in such a conflict, adopted the Loyalist side, not for conscience sake, but for profits' sake, and in the expectation of being rewarded for their fidelity by office and titles and especially by confiscated estates of the rebels after the rebels themselves should have been defeated, and their leaders hanged or sent into exile."

"Still another class of Loyalists were made up of people of professional training and occupation—**clergymen, physicians, lawyers, teachers,—a clear** majority of whom seem to have been set against the ultimate measures of the Revolution. These classes, prior to the Revolution, had largely shaped and moulded public opinion; but their opposition to the movement, which they were powerless to prevent, destroyed their influence **(for the time being)** in American politics." (9)

Later, as we shall see, these classes got back into the game, and it is to them and their influence that the class character of the Constitution must be attributed. (See quotations from Beard.)

All through the long and bitter struggle of eight years, these respectable, conservative, and pious classes kept quiet or secretly aided the British arms, as treasonable, almost, as Arnold; but immediately after the surrender of Yorktown, they began to shout about the great service their respectable presence conferred. The clergy claimed they deserved most all the praise; thus did they commence paving the way that led to the reactionary control by those classes when the Constitution was written.

Reactionaries in Control.

Most people imagine a still more pronounced spirit of democracy animated the delegates who framed the Constitution than that which inspired the writers of the Declaration of Independence. Nothing could be

further from the truth. Only six of the signers of the Declaration sat in the Constitutional Convention. Eleven years had elapsed between the acceptance of the one and the writing of the other document.

Those in control, for the most part, hated the common people, the working class, and despised democracy. They sought to control the former and check or destroy the latter, so the business interests decided it was opportune for them to do something whereby to control the government about to be established.

"Business Needs."

They did not like the Articles of Confederation, which had been the organic law since their adoption, up to the time now under consideration—1787.

Jefferson was safely out of the country as minister plenipotentiary to France, and some one then said, "Now while the old fox is away we can all the more safely proceed."

Madison later said, "It was not our intention to form an ideal government, but one that would 'meet the business needs of the country.'"

These business men began by calling a business man's convention to meet in Annapolis, Md., in 1786 —for the purpose (so the call read) of considering ways and means for improving the waterways, etc. After a day or two of considering that matter, the question of a new constitution came up (quite incidentally of course), and occupied the rest of the time of the convention.

A committee was selected to ask Congress to call a Federal Convention for the purpose of considering the matter of a Constitution. Congress in response to the request, agreed to and did call the convention, but stipulated that it should only propose **Amendments** to the **Articles of Confederation.**

Political Trickery.

"It must be borne in mind that the Convention was called for the purpose of offering amendments to the Articles of Confederation. The delegates were not authorized to frame a new constitution. Their appointment contemplated changes which were to perfect the Articles of Confederation without destroying the general form of government which they established."

"The resolution of Congress of Feb. 21st, 1787, which authorized the Federal Convention, limited its business to 'the sole and express purpose of revising the Articles of Confederation.' The states of New York (Hamilton's state), Massachusetts and Connecticut copied this in the instructions to their delegates. The aim of the Convention, however, from the very start was not amendment, but a complete rejection of the system itself." (10)

Such complete ignoring of the expressed resolutions of Congress and of the instructions of the states establishes the political terpitude of most of the delegates.

Their Political Honesty.

"A very little study of long forgotten politics will suffice to show that in filibustering and gerrymandering, in stealing governorships and legislatures, in using force at the polls, in colonizing and in distributing patronage to whom patronage is due, in all the frauds and tricks that go to make up the worst form of practical politics, the men who formed our State and national Governments were always our equals and often our masters." (11)

A "Secret Conclave."

The Convention was held behind closed doors, no reporters were allowed within. "Members were not even allowed to take copies of resolutions,

on which the Convention was deliberating, without moving for and obtaining permission by vote of the Convention." (12)

"The doors were locked, and an injunction of strict secrecy was put upon every one. The results of their work were known in the following **September,** when the **draft** of the Federal Constitution was published. But just what was said and done in this **secret conclave** was not revealed until **fifty years had passed,** and the aged James Madison, the last survivor of those who sat there, had been gathered to his fathers." (13)

Madison's Journal.

Madison kept a journal of the Convention which is as complete and definite as any work relative to what actually happened or transpired in that "Secret Conclave."

That journal reveals the state of mind of all the delegates. Had that journal been made public, as it should have been, the deception which followed would have been impossible.

If public good instead of class interest had been the object of that convention of anarchists all the facts which that journal reveals would have been immediately published.

Intsead of giving out this important and justly due information, that journal was kept under cover during fifty years after the convention adjourned; the facts were suppressed, and even denied.

In spite of this political knavery, we are told that those politicians were the purest and noblest of **Democratic Patriots.**

The Government paid Madison's heirs $36,000.00 for that journal, and later the right to publish it was

given or bartered away to a private firm, instead of having had it printed as a public document.

Tons of political trash are published every year; matter that is of no value, costing thousands of dollars to print and mail, and this can be easily procured; but such important matter as the Madison journal, which reveals the most important facts in American History, is practically suppressed by the government. The deception is therefore all the easier perpetuated.

"The Federalist."

Soon after the convention adjourned, Hamilton started a publication called "The Federalist." This publication was intended to be, and became the medium through which the work of the convention was kept obscured. Its columns and editorials were filled with maliciously hypocritical pretenses as to the "Democracy" intended by the framers of the Constitution and which would be made possible by its adoption.

In the Convention, these writers expressed their contempt for the "mass" of the people. In the Fedtralist it was insisted that the sole aim of the Convention was to establish a Democracy, a government by the people. The public was thus misled, kept in ignorance, and that class document foisted upon us.

All these facts of political trickery, and treason to Democracy, are overlooked, suppressed or denied, and the perpetrators praised as Statesmen and Patriots almost divine.

The Real Spirit.

"Of course the real spirit and intention of the Convention must be gathered, not from the statements and arguments addressed to the general public (through the Federalist) in favor of the ratification

of the Constitution, but from what occurred in the Convention itself.

"The discussions which took place in that body indicate the real motives and purposes of those who framed the Constitution. These were carefully withheld from the people and it was not until long afterwards that they were accessible to students of the American Constitution." (They are not even now taught in our schools.)

"The preamble began with, 'We, the people,' but it was the **almost unanimous sentiment of the Convention that the less the people had to do with the government, the better.** Hamilton wanted to give the **rich and well born 'A distinct, permanent share in the government.'** Madison thought the government ought "to protect the opulent **minority against** the **majority.**" (14)

Hamilton is the Patron Saint of the Republican Party, Madison represented the slave owning class.

Some of Their Sentiments.

Madison, who has been called the "Father of the Constitution," thought it "Ought to secure the permanent interests of the country against innovation." (Property Rights vs. Human Rights).

Hamilton said,"all communities divide themselves into the few and many. The first are the **Rich and Well Born**, the other, the mass of the people (the Working Class) are turbulent and changing; they seldom judge or determine right." Therefore he advocated a permanent Senate, which would be able to "check the impudence of Democracy."

Gouverneur Morris observed that the "first branch (of Congress) originating from the people, will ever be subject to **precipitancy, changeability and excess.**

This can be checked only by **ability** and **virtue** in the second branch, which ought to be composed of men of great and established property (Property Rights—Aristocracy), men who, from pride, will support constancy and permanency (that is what King George wanted); and to make them **completely independent** (of the majority, of course), **they must be chosen for life**, or they will be a useless body. Such an aristocratic body will **keep down the turbulence of Democracy.**" (15)

How do you like such sentiments?

Roger Sherman, of Connecticut—"I oppose the election of members of the National Legislature by the people. The people, immediately, should have as little to do as may be about the government."

Elbridge Gerry, of Massachusetts—"The evils we experience flow from the excess of Democracy. The people do not want virtue, but are the dupes of pretended patriots."

Mr. Butler, of South Carolina—"An election by the people is an impracticable mode."

John Randolph, of Virginia—"In tracing these evils to their origin, every man finds it in the turbulence and follies of Democracy."

Mr. Dickinson, of Delaware—"I consider a limited monarchy as one of the best governments in the world."

Mr. Dickinson and Benedict Arnold agree perfectly. (See Arnold's letter in appendix.)

Mr. Gerry, of Massachusetts, said: "I am afraid to submit the proposed constitution to the people. In my quarter the people have the wildest ideas of government in the world. They want to abolish the Senate of Massachusetts and give the powers to the Legislature."

On June 6th Mr. Gerry admitted that it "was necessary that the people should appoint one branch

of the government in order to inspire them with the **necessary confidence.**" Mark that utterance. It is the keynote to the proceedings and outcome of the convention. They gave the people the shadow of legislative authority and then stabbed to death with the Senate, executive, veto powers, Supreme Court and other checks, the actual substance of popular rule. It was a month before the convention consented to a popular election for the dummy House of Representatives."

I call your attention again to Mr. Gerry's "confidence" expression. It may be safely said that he was our first "Con-Man"—and from him our later day politicians got their **Confidence** shibboleth. "Have confidence," they say—"just have confidence."

(You have the confidence, they have the nation's wealth.)

Mr. Madison was afraid the majority would oppress the wealthy minority. "In a republican government," he said, "the majority, if united, have always an opportunity. The only remedy is to enlarge the sphere, and thereby divide the community into so great a number of interests and parties, that in the first place the majority will not be likely, at the same moment, to have a common interest separate from that of the whole, or of the minority; and in the second place, that in case they should have such an interest, they may not be apt to unite in pursuit of it."

That was Madison's idea of "majority rule" and popular government. He wanted to so distract the people that they could pass no measure, however popular. Do you want to go back to James Madison for guidance and inspiration?

Mr. Dickinson wished "the Senate to consist of the most distinguished characters; distinguished for their rank in life and their weight of property, and bearing as strong a likeness to the House of Lords as possible." (There was a sterling old Democrat of the Grover Cleveland school.)

Mr. Gerry wanted "to provide some check in favor of the commercial interest as against the landed." He was accommodated. Mr. Randolph said, "the democratic licentiousness of the State Legislatures proved the necessity of a firm Senate." Mr. Madison said he feared a "seven-year term for a Senator was not enough." His fear was that the Senate, if only elected for a term of years, would be too near the people.

Alexander Hamilton addressed the convention on June 18th. In part he said: "In his private opinion he had no scruple in declaring, supported as he was by the opinion of so many of the wise and good, that the British government was the best in the world, and he doubted much if anything short of it would do in America. The members most tenacious of republicanism, he observed, were as loud as any in declaiming against the vices of Democracy. Let one branch of the Legislature hold their places for life, at least during good behavior. Let the executive also be for life." He was strongly in favor of a king. He then submitted a plan incorporating his ideas. Much of it was practically adopted.

Mr. Rutledge, of South Carolina, had no faith in the people. With fine egotism he said: "If this convention had been chosen by the people in the districts, it is not to be supposed that such proper characters would have been preferred." This calls to mind the fact that the people were not consulted, even in the selection of the men who framed the Con-

stitution for their government. It was not ratified by a popular vote. It was never adopted by the people of the United States, nor even submitted to them for inspection prior to its adoption. It was ratified by specially called State conventions.

Alexander Hamilton defended corruption by saying, "that all that could be said on that point had been summed up by Mr. Hume, who said that at times such practice was necessary to stability in government." (16)

Class Character.

The delegates "understood the economic significance of Democracy. They realized that if the supremacy of the majority was once fully established the entire policy of the government would be profoundly changed."

They well knew that monopoly could not obtain if special interests were not given constitutional protection. When it is asserted that trusts exist in violation of the Constitution a mistake is made.

The Constitution Is Political in Form, but Completely Economic in Fact.

"There can be no question that the national government has given to the minority a greater protection than is enjoyed anywhere else in the world, save in those countries where the minority is a specially privileged aristocracy and the right of suffrage is limited. **So absolute have property rights** been held by the Supreme Court, that it even, by the Dred Scott Decision, in effect made the whole country a land of slavery, because the slave was property, and the **rights of property were sacred.**"

"In carrying out the original intent of the Constitution with reference to property, the courts have

developed and applied the doctrine of **vested rights.**" (17)

Every **vested right,** so called, has destroyed, or submerged, many human rights.

The Divine Right of Kings having been denied, those planning for special privileges were forced to create another delusion, so the **Vested Rights** theory was developed.

It is of the same nature as the so-called Divine Right of kings. There are a thousand vested wrongs, but not one "Vested Right."

"An Upper Class."

Most of the delegates wanted the new rising business class to enjoy all the privileges of Monarchical Aristocracy under other forms.

"It was the purpose of the Constitution, as we have seen, to establish a supremacy of the so-called **upper class.** To consolidate its various elements and to bring the **government under their control** was the aim of the Federalist Party. "(18)

That party was led by Hamilton, the lover of monarchy, who said that the "English government was the best in the world, and he doubted that any other kind would be suitable or prove lasting for this country."

The delegates dug up some privileges monarchy enjoyed in the 17th Century (the veto power, for instance), and provided every **Check on Popular Government** they thought they could carry through.

They succeeded in doing just what Benedict Arnold wanted to do. (See Arnold's Letter, pages 59-61.)

Further Proof.

Let us examine the Constitution itself to see whether or not our citicism is supported by its form and substance. We will find that it is more

eloquent in some instances in what it does not say than in what it says. Even where it says certain things shall "not" be done, no penalty is provided against the doing of them.

"The Preamble."

This starts with a deliberate falsehood—it begins with, "We, the people."

The delegates were not elected by the people. Only about one-fourth of "the people" at that time could vote, because of property, religious and other disqualifications.

Only a part of that one-fourth were consulted. Few of them knew the Convention was to be or was held till it was over.

The Constitution was never submitted to popular vote, hence it was never ratified by "the people," yet in order to make it easier to force this class pill down the public throat, it was sugar-coated with that Democratic sounding "preamble," which begins with "We, the People," but which is in no sense a part of the Constitution; it states a falsehood concerning that instrument.

"Legislative Powers."

Art. 1. Sec. 1. "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

Take note of the words, "All legislative powers." The basis or foundation is, in these few words, laid and constructed for a "strong centralized government," an "aristocracy."

Section 2 is merely formal.

Section 3 provides for raising the vote of the Southern States, by adding three-fourths of the slaves to the voting list to be voted by the owners.

in order to increase the number of Representatives in Congress. Compromise number one.

The rest of the article is formal, up to Section 8. This section contains the real essence, all the vital machinery of the document.

It is here presented in full. Read and Think.

"The Congress Shall Have Power."

1. "To lay and collect taxes, duties, imposts and excises, to pay all debts and provide for the common defense, and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States."
2. **"To borrow money on the credit** of the United States;
3. "To regulate commerce with foreign nations and among the several states, and with the Indian tribes;
4. "To establish a uniform rule of Naturalization, and uniform laws on the subject of bankruptcies, throughout the United States;
5. "To coin money, regulate the value thereof, and of foreign coins, and fix the standard of weights and measures;
6. "To provide for the punishment of counterfeiting the securities and current coin of the United States;
7. "To establish post-offices and post roads;
8. "To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries;
9. **"To constitute tribunals inferior to the Supreme Court.** (18)

10. "To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;
11. **"To declare war,** grant letters of marque and reprisal, and make rules concerning captures on land and water;
12. **"To raise and support armies;** but no appropriation of money to that use shall be for a longer term than two years;
13. **"To provide and maintain a navy;**
14. "To make rules for the government and regulation of the land and naval forces;
15. **"TO PROVIDE FOR CALLING FORTH THE MILITIA TO EXECUTE THE LAWS OF THE UNION,** suppress insurrection and repel invasions;
16. "To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;
17. "To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square), as may, by cession of particular states, and the acceptance of Congress, become the seat of government of the United States; and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards and other needful buildings; and
18. **"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this con-**

stitution in the government of the United States, or in any department or office thereof."

Democracy Limited.

There is not one line or paragraph that confers "power" on the people, or permits them to use any directly. All eighteen clauses confer power on Congress, and as only one branch of that body is elected by popular vote, the power the people have an opportunity to use, is, so far as the Constitution is concerned, of a negative character. That is in perfect harmony with the expressed thought that "the less the people have to do with the government, the better."

Read clause 18 again; then consider the fact that the Senate is removed from the influence of a direct vote, the Supreme Court entirely out of reach of the plain people, from a Constitutional standpoint at least, and you will begin to see that it was not the intention of the framers of the Constitution to allow the rank and file any direct, or actual power in directing the affairs of their (?) government.

The seeming arbitrary and tyranical use of the army and militia has often been declared to be "unconstitutional," or at least not warranted by the spirit thereof. Re-read clause fifteen and you will see that a Constitutional means is therein provided through and by which Congress can decide how the military power shall be used, and there cannot be found a single clause which prevents the several states from directing their militia as they deem best, subject only to Congress.

The President More Powerful Than a King.

Article 2, Section 1—Making the President the Chief Executive, in connection with paragraph 1 of Section 2 of Article 2, wherein he is made com-

mander in chief of the Army and Navy, and then with paragraph 3 of the same section, giving him power to fill vacancies, then to that add the veto power, and the power to select members of the Supreme Court, and it will be plain to any unprejudiced reader that the power of the President of the United States is not exceeded by that of any monarch on earth.

To make it possible for him to successfully wield such power, without exposing its dangerous character to the mass of the people, he was made the dispensor of "patronage," which is of a secret character. That privilege, when exercised, becomes a power of the same quality and character of that of a monarch, who holds sway over his court and people by conferring or withholding favors; the tendency of which make or break when given or withheld. (20)

The Supreme Court.

Article 3 provides for and deals with the Supreme and inferior courts. That article defines certain powers and fields of Jurisdiction, but does not prohibit the Supreme Court from entering other fields, or exercising other powers. (See "implied powers" for more complete explanation of this matter.)

Hamilton and other delegates wanted the President to be elected for life. Failing in this, they devised the Supreme Court scheme, which provided that its members should be appointed by the President (not elected by the people) for life, hence perpetual power could obtain. They knew no working man would ever be appointed. They said it should be composed of "Men of great wealth and weight of property and virtue," of men who would from "pride be opposed to precipitancy and change."

They knew, or foresaw pretty clearly, what would happen. Over 200 decisions have been "handed down" (why handed down?) by the Supreme Court, and not one of them has ever been in favor of "human rights" as against "property rights."

From the Dartmouth College case to that of Dred Scott—to that of Moyer, Haywood, Pettibone and Warren—stands an unbroken record of decisions in defense of property rights as a monument to the work of the far-seeing politicians who planned to establish, and succeeded in establishing, a Class Government in America.

Article 5.

This article deals with amendments, and makes it almost impossible to amend the Constitution. Such was the intent; for the framers of that document did not want any change.

Let Patrick Henry speak in this connection. He said, "To encourage us to adopt it (the Constitution) they tell us there is a plain, easy way of getting amendments. When I come to contemplate this part, I suppose that I am mad, or that my countrymen are so. The way to amendments is, in my conception, shut." After quoting Article 5, he continues: "Hence it appears that three-fourths of the states must ultimately agree to any amendments that may be necessary."

"Let us consider the consequence of this . . .

"Let us suppose—for the case is supposable, possible and probable—that you happen to deliver those powers to unworthy hands; will they relinquish powers already in their possession, or agree to amendments?

"Two-thirds of Congress, or of the state legislatures, are necessary to even propose amendments. If one-third of these be unworthy men, they may

prevent the application for amendments; but what is destructive and mischievous is, that three-fourths of the state legislatures, or of the state conventions, must concur in the amendments when proposed! In such numerous bodies, there must necessarily be some designing, bad men. To suppose that so large a body as three-fourths of the states will concur is to suppose that they will possess genius, intelligence and integrity, approaching to the miraculous." (21)

He then goes on in much detail to show how difficult it was, and as he thought designedly made so.

He was right. The people are not permitted to vote on an amendment.

"The first twelve amendments were adopted during the infancy of the Constitution, and while it was still regarded as an experiment. But while they had the effect of quieting public opinion and allaying the fears of the people concerning the new form of government, they made no important changes in the Constitution, leaving all its main features as originally adopted."

The last three amendments were war measures and in part were forced through.

These lovers of special privileges knew they had formulated a Class document and they intentionally made it almost impossible of amendment, knowing that by making it so, property rights would be protected all the longer, and become more and more secure.

Free Speech and a Free Press.

Amendment No. 1, of which so much has been said, is easily overcome when necessary to protect the "Upper Class." That amendment reads:

"Congress shall make no law respecting an establishment of religion, or of prohibiting the free use thereof; or abridging the freedom of speech, or of

the press; or of the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

It requires much more than the "right to petition for a redress of grievances," to avail much for the people.

The pre-Revolutionists had that "right," but they had to become Revolutionists before they could make their "right" operative.

It is that part of this amendment, however, that relates to a free press and free speech, that many of us have tied our faith and hopes to. We have tried to rely on it when the police interfered with our speakers, but it has seldom, if ever, prevented an arrest, or stopped a descending club.

Congress "shall not" pass any law that would abridge those rights, but how neatly Judge Wright, in the case of Gompers, Mitchell and Morrison got around that "shall not."

He said, "Congress may not, but the States were not so prohibited."

Neither are the cities prevented.

They can, therefore, and do pass ordinances that prevent or **abridge "free speech."**

Papers have been suppressed, and when this amendment is referred to, a significant laugh or suggestive smile greets the editor or others who imagined they were "equal before the law."

To say a thing shall not be done, and then provide no penalty for disobedience is like putting a sign containing the mandate "Thou shalt not steal" upon the side of your house, then leaving your front door open as an invitation to the burglar to enter.

Hurried Home.

As soon as the convention adjourned the delegates hurried home, and most of them at once began

to start the machinery necessary to the ratification of their work.

Gerry, in Massachusetts, succeeded in re-districting that State so that at the then ensuing election enough of his kind would be elected to the State Legislature or ratifying convention to insure the adoption of the Constitution when it came before them.

He was our original Gerrymander and it is due to his work that we get the name "Gerrymander."

Monster Bird of Prey.

A cartoonist of that day drew a map of Massachusetts, adding the head of a monster bird of prey on the northern Cape of the State, and claws on the Cape at the south, both of which extended quite a distance into the sea; then wings that extended back over the central part of the State; thus portraying the current opinion of Gerry's political trick; and this rude cartoon of this monstrous bird of prey was called "Gerrymander."

In Virginia

Madison found Patrick Henry in arms against this new government scheme. By the time the Legislature convened, Henry had heard from Jefferson, who, it is said, "thundered his denunciations across the Atlantic against the Constitution." Henry had a letter from Jefferson, urging him to oppose the adoption with all his might. He showed this letter to many fellow members of the Legislature. Madison begged him to desist, fearing, as he said, that that letter would defeat the adoption of the measure.

Henry replied, "That is what I want to do."

New York.

In spite of Hamilton's personal influence, the New York Legislature barely adopted the Constitution.

So it went in nearly every State.

The fight against the new form of government was not made by so many legislators, because they wanted a real Democracy; but this bold and outrageous attempt to create an "Upper Class" that would result in an "Aristocracy of Wealth," with all the vices of an Aristocracy of Birth and with but few of its scanty virtues, was more than they wanted.

They were like our small business men of today, who, while they don't mind the exploitation of the working class, do not want a few specially privileged individuals to do all the exploiting.

Hamilton's Duplicity.

Hamilton started his magazine called the "Federalist." That paper became the official mouthpiece of the "fathers" whose many political tricks caused McMaster to entitle his history:

"McMaster, With the Fathers in Their Political Degeneracy."

Do not imagine that discerning men of that time, who wanted at least a Republic, failed to charge the delegates who were fighting for the adoption of the Constitution, with being

Conspirators.

"We must not forget the circumstances under which Hamilton wrote his defense of the Judiciary (and of the Constitution).

"Although the Constitutional Convention had **spared no pains to prevent the publication of its proceedings,** the feeling was more or less general that the **whole movement** was a **conspiracy against popular government."**

Hamilton's Answer.

"The charge of **conspiracy** against the liberties of the people, which has been indiscriminately brought against the advocates of the plan (The Constitution), has something in it too wanton and too malignant not to excite the indignation of every man who feels in his own bosom a refutation of the calumny. The perpetual charges which have been rung upon the **wealthy, the well born** and the **great** (take note) have been such as to inspire the disgust of all sensible men. (Sounds like a Senator of today). And the unwarrantable concealments and misrepresentations which have been in various ways practiced to keep the truth from the public eye, have been of a nature to demand the reprobation of all honest men." (22)

He Was Guilty.

"The evidence **now** accessible to the students of the American Constitution proves that the charges of 'concealments and misrepresentations' made with this show of righteous indignation against the opponents of the Constitution, might have been justly made against Hamilton himself. But knowing that the views expressed in the Federal Convention were not public property (as they should have been) he could safely give this 'refutation of the calumny.'" (23)

The minutes of the Convention should have been made public, and they would have been if statesmen instead of politicians had framed the Constitution, and if public interest instead of special privilege had been the object sought.

If the members of the different State Legislatures had known what we now know of the inside work of that "Secret Conclave," the Constitution would not have been adopted.

A New Government.

A new form of government was planned, provided for and sprung, all at once, and "the advocates of the new form of government did not propose to defeat their own plans by declaring their real purpose, or explaning the Constitution to the people as they themselves understood it."

They knew it would never be adopted if understood, so a great show of indignation was made in the answers given to the charges of "Conspiracy."

The columns of the Federalist teemed with "Answers" claiming that the advocates of the Constitution were acting for and in behalf of the people, just as the misrepresentatives of the working class make similar false claims today. "It was not the aim of these articles, written, as they were, to influence public opinion, to explain the real purpose of the Constitution, but rather to disguise its true character."

"In this species of sophistry, Hamilton was master. It is, to say the least, strange that the misstatements of historical facts, false analogies and juggling of popular catch words which constitute his defense of the Federal Judiciary, should be so often referred to as an example of faultless logic and a complete vindication of the system."

"Hamilton's interpretation of the Constitution in these articles (that were the chief features of his Federalist, started for that very purpose) was merely for popular consumption, and not a frank and unequivocal expression of what he himself really believed. He was an uncompromising opponent of Democracy and considered the English government of that day, with its hereditary monarchy and aristocracy, the best form of government ever devised." (24)

We have been taught to believe that monarchy in any form is bad in principle and that with the surrender at Yorktown we were shut of the English Government. It is for that reason we have so unstintedly praised our Revolutionary sires. We now find the framers of the Constitution, most of whom were led by Hamilton, not only re-establishing that form of government in this country, with all its essential features of class supremacy, but adding thereto many that are even worse than the English system contains. Arnold was completely out-Arnolded by Hamilton, who is, strange to say, considered a patriot without a peer.

According to a plan which he submitted to the Convention, the executive branch of the government was to be placed **beyond the reach of** public opinion by a method of appointment designed to guard against the choice of a **popular favorite, and by life tenure.** Not only did he wish to make the President **independent of the people,** but he proposed to give him an **absolute veto power on all acts of Congress.** (More monarchical than England). Moreover, the President was to appoint the governors of the various States, and they, like the royal governors before the Revolution, were to have absolute veto on all the acts of the State Legislatures.

He also, as before stated, wanted the Senate indirectly elected, and to hold office for life and over and above all this, the Supreme Court was to be (and in fact is) as its name implies, the final barrier beyond which no semblance of Democracy would ever pass.

You may say this plan of his failed. Yes and no. It failed to pass in the form presented by him (except the Supreme Court), but the essence of his entire plan was carried out. The Electoral College

stands between the voters and a president. There is no Constitutional prohibition against that body electing whom it pleases. The Senate is indirectly elected —the Supreme Court is not elected, but selected by the President and confirmed by the Senate, which is not elected by popular vote, and the President has the veto power, and the dispensing of patronage.

The Supreme Court can and has set aside law after law passed by Congress, and when that court of irresponsible men speaks, nothing but Revolution or fear of it can change its decision. So by a series of "Checks" and circumventions Hamilton's ideas predominated.

Still Hamilton was not satisfied with the Constitution; it was not monarchical enough for him. In 1802—Feb. 27—he wrote to Mr. Morris as follows: "I am laboring to prop the **frail** and worthless fabric for a while." **"I do not publish it in Dan and Beersheba,** but am thoroughly convinced that we shall have to return to the English form of government."

"Hamilton was more culpable than either Burr or Arnold, because he practiced duplicity." *

The incidents here noted, which happened under the administration of John Adams, indicate in a measure the degree of the spirit of monarchy that had been resurrected by the Hamiltonians: Adams had gone over to the Federalists and the enactment of "Alien and Sedition laws" gave him much added monarchical power, for it made him the arbiter in the matter of what was written or spoken against the President or Congress, as well as the arbitrary power to arrest and imprison individuals of foreign birth. To illustrate the spirit of reverence for power,

* "The Unwritten South," p. 15.

take this: "Matthew Lyon, for ridiculing an idle parade of the President, was thrust into prison and left to freeze and starve for a whole winter, and then released only by paying $1,000. General Sumpter was knocked down and cruelly beaten because he did not take off his hat at a theater in Philadelphia when it was announced that the President was coming in."

And this:

"We, the subscribers and inhabitants and citizens of Boston, in the State of Massachusetts, deeply impressed with the alarming condition of our country, beg leave to express to you, the Chief Magistrate and **Supreme Ruler over the United States,** our fullest approbation of all the measures, external and internal, **you** have been pleased to adopt under the **direction of Divine authority."** * How is that as an expression of the spirit of monarchy? Divine authority—think of it!

Nothing could more fully prove the existence of the aristocratic class distinction and class feeling that existed at the time in question. Those subscribers were fearful of the spread of democratic ideas, and, as with all who pretend to superiority, they invoked and claimed to be exercising Divine authority, or at least to have it on their side.

Usurpation of Power (?).

It has often been claimed that the Supreme Court has usurped the power it uses when declaring laws passed by Congress **"unconstitutional."**

This claim is not well founded.

As a matter of fact, that very phase of the matter was discussed in the Federal Convention, and it was so arranged that by the use of "implied powers"

* "The Unwritten South," p. 17.

the Supreme Court could do anything it cared to do which was not expressly prohibited.

For instance, Gouverneur Morris, of Pennsylvania, in speaking of the judiciary, said, **"It became necessary to select phrases** which would not alarm others." (Crafty politician.) Some of the delegates insisted that the Supreme Court should not have authority to pass upon the acts of Congress—but "Wilson, Luther, Martin, Gerry, Mason and Madison insisted that this **power could be exercised without any provision expressly** conferring it." (25)

Ask any attorney what is meant by implied powers, and you will then understand that the Supreme Court has done and is doing just what the framers of the Constitution expected it to do—defend property interests and support the "Upper Classes."

Hamilton,

"The most courageous and outspoken opponent of popular government"—claimed that **it would be the duty of the Federal Courts "to declare all acts contrary to the manifest tenor of the Constitution, void."** (26)

Oliver Ellsworth, in the Connecticut Convention, James Wilson in the Pennsylvania and John Marshall in the Virginia Convention, expressed the opinion that the Constitution gave the **Supreme Court the power to declare Acts of Congress void.** (27)

A Mistaken Opinion.

It will be clearly seen from the foregoing, that the exercise by the Supreme Court of the power of setting aside laws passed by Congress, did not grow up in recent years out of an assumption of power, but is the concrete, tangible result of the ideas held

and wishes expressed by those delegates whose influence dominated the Constitutional Convention.

John C. Calhoun

Expressed his pleasure over the fact that while the Constitution prescribed in part the duties of the Supreme Court, it did not fix any limit, nor define its course of action; hence, as he said, it could, acting along the line of "implied powers," be trusted to fill the mission it was designed to fill.

Those who, having read the Constitution carefully and not being able to find any expressed authority for many of the Supreme Court's decisions, naturally conclude that the power thus exercised has been assumed or usurped.

There is now before me the most complete analysis of this phase of the matter I have so far seen, and from it I quote the following:

"The arguments advanced to show that the framers of the Constitution did not intend to grant to the federal judiciary any control over federal legislation, may be summarized as follows: . . . Not only is the power in question not expressly granted, but it could not have seemed to the framers to be granted by implication. The power to refuse application to an unconstitutional law was not generally regarded as proper to the judiciary. In a few cases only had State courts attempted to exercise such power and these few attempts had been sharply rebuked by the people.

"Of the members of the Convention of 1787 not more than five or six are known to have regarded this power as a part of the general judicial power; and Spraight and three or four others are known to have held the contrary opinion. It cannot be assumed that the other forty-odd members of the Convention were divided on the question in the same proportion. If any conclusion is to be drawn from their silence, it is rather that any such unprece-

dented judicial power could not be read into the Constitution. This conclusion is fortified by the fact that the proposition to confer upon the federal judges REVISIONARY power over federal legislation was four times made in the Convention and voted down."

This is the full gist of the arguments made in defense of the Constitutional delegates, as well as in support of the claims of usurpation made against the Supreme Court. It will be admitted that the Supreme Court is guilty if it has so usurped power as charged. If it has acted along the lines hoped and planned for by the leading delegates of the Convention, then the blame should be placed where it belongs.

"A careful review of the articles cited fails to reveal that the writers have made any detailed analysis of the sources from which we derive our knowledge of the proceedings of the Convention and of the views held by its members. They certainly do not produce sufficient evidence to support their sweeping generalizations. In the interest of **historical accuracy,** therefore, it is well to inquire whether the evidence available on the point is sufficient to convict the Supreme Court of usurping an authority which the **framers of the Constitution did not conceive to be within the judicial province.** If the opinions of the majority of the Convention cannot be definitely ascertained, any categorical answer to the question proposed must rest upon the 'argument of silence,' which Fustal de Coulanges warned the Germans long ago is a dangerous argument."

"**No proposition to confer** directly upon the judiciary the power of passing upon the constitutionality of the acts of congress **was submitted to the Convention.** On this point a statement made in Chief Justice Clark's address cited above is misleading. The **proposition** to which he refers, and which formed a part of the Randolph plan, was to associate a certain number of the judges with the executive in the exer-

cise of **revisionary power** over laws passed by congress.

"This is obviously a **different proposition.** Indeed some members who favored judicial control opposed the **creation of such a council of revision.**

"It can be easily seen how so many intelligent men have been misled in this matter. They mistake the court or council of revision, and the voting down of the proposition to establish such a council, as the views of the Convention relative to the powers which should be exercised by the Supreme Court.

"It was the effort to create a **Council of Revision** that was voted down, and neither of the four defeats of that move had any reference to the abridgement of the powers of the Supreme Court.

Some Pertinent Facts.

"In view of the fact that no vote was taken on this issue (limiting judicial power), we are compelled to examine the notes of the debates on every part of the Constitution and to search the letters, papers and ducuments of the members of the Convention to find out how many of them put themselves on record, in one way or the other."

Of the fifty-five members of the Convention only twenty-five attended with much regularity. These twenty-five were by all odds the most influential ones, and it can be safely said they decided its every important feature. These twenty-five members were **Blair,** Butler, Dayton, **Dickinson, Ellsworth,** Franklin, **Gerry,** Gorman, **Hamilton, Johnson, King, Madison, Martin, L.; Mason; Morris, G.; Morris, R; Paterson;** Pinkney, Charles; Pinkney, C. C.; **Randolph,** Rutlege, Sherman, **Washington, Williamson and Wilson.** "Of these men, the seventeen whose names are emphasized declared directly, or indirectly, for judicial control. It is illuminating to discover

how many of this dominant group are found on record in favor of the proposition that the judiciary would in the **natural course of things** pass upon the constitutionality of the acts of Congress. The evidence of each man's attitude is here submitted, the names being arranged in alphabetical order:"

(I shall not quote all the matter the last clause refers to, for space will not permit, but will content myself with giving a few that are indicative of the rest.)

"Oliver Ellsworth, of Connecticut, held that the federal Judiciary, in the **discharge of its normal functions,** would declare acts of Congress contrary to the federal Constitution **null and void.** In the Connecticut convention, called to ratify the federal Constitution, he was careful to explain this clearly to the assembled delegates."

"Elbridge Gerry, of Massachusetts, said: "Are we afraid that the President and the Senate are not sufficiently informed to know their respective duties? . . . If the fact is, as we seem to suspect, that **they** do not understand the Constitution, let it go before the **proper tribunal;** the judges are the constitutional umpires on such questions."

Alexander Hamilton, of New York. "In the Federalist written in defense of the Constitution, and designed to make that instrument acceptable to the electorate, Hamilton said: 'The interpretation of the laws is the proper and **peculiar province of the the courts.** A constitution is, in fact, and must be, regarded by the judges as a fundamental law. It must, therefore, belong to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two that which has the superior obligation and validity ought, of course, to be preferred, or in other words, the Constitution ought to be preferred to the statute,

the intention of the people to the intention of their agents'."

The agents he refers to are not the delegates who framed the Constitution, but the members of Congress. These delegates were not agents, but masters.

His reference to the "intentions of the people" is another sample of his sophistry, for as I have previously shown "the people" had no voice in framing or adopting the Constitution. They were not "accessory to the act" either before or after, except in a more or less passive acceptance of it as handed down to them.

Some Clear Opinions.

Rufus King, of Massachusetts, opposed the creation of a council of revision on the grounds "that the judges ought to be able to expound the law as it should come before them, free from the bias of having participated in its formation." That is certainly clear and leaves little doubt as to what was meant.

James Madison, of Virginia, said: "Experience in all the states evinced a powerful tendency in the legislature to absorb all power into its vortex. This was the real source of danger to American constitutions, and suggested the necessity of giving every defensive authority to the other departments that was consistent with republican principles."

You can easily see how Madison mistrusted the rank and file, that is, the common people. The legislatures of the different states were just a little too close to the more or less democratic wishes of the people. hence the reference to "their vortex" and in other connections you will note the words "legislative tyranny." The whole aim was to check, if not destroy, the essence of democracy.

They knew that by granting the judiciary the authority in question, to be used at discretion, it could,

and they expected it would, be used to check "legislative tyranny." Madison went still further in contending that "it would be useful to the judiciary department by giving it (the revisionary council he was at the moment pleading for) an additional opportunity of defending itself against **legislative encroachments.**" In later years he said that " . . . such control would have prevented the question of a **judiciary annulment of legislative acts.**"

Luther Martin. . . . "Although he opposed the proposition to form a revisionary council by associating judges with the executive, was nevertheless strongly convinced that unconsitutional laws would be set aside by the judiciary."

James Wilson, of Pennsylvania, said: "If a law should be made inconsistent with those powers vested by this instrument in Congress, **the judges, as a consequence of their independence, and their peculiar powers of government being defined, will declare such laws to be null and void.** For the power of the Constitution dominates. Anything, therefore, that shall be enacted by **Congress contrary thereto will not have the force of law.**"

It must be borne in mind that this plain statement was made to the delegates assembled in the Pennsylvania ratification convention, and after hearing them and thus knowing exactly what power the Supreme Court was being granted, they ratified the Constitution. They knew what the sentiment of the dominating influence of the federal Convention was, and their ratification of it leaves no doubt of the intention to grant the power we are now discussing. I may add that for every clear statement made by any framer of the Constitution against allowing the Supreme Court to use such power three equally clear can be found to have been made in favor of it.

State Legislative Decisions Most Conclusive.

Ten years later the Kentucky and Virginia Resolutions raised the **question of judicial control** and the other states had occasion to express their **direct** opinion on this point. . . . Massachusetts replied to Virginia, February 9, 1799: "This legislature is persuaded that decisions of **all cases** in **law and equity** arising under the Constitution of the United States and the construction of all laws made in pursuance thereof are exclusively vested by the people (?) in the judicial courts of the United States."

The Rhode Island Assembly declared: "The words to wit, 'The judicial powers shall extend to **all cases arising under the laws of the United States,**' vest in the federal courts exclusively, and in the Supreme Court of the United States, ultimately, the authority of deciding on the constitutionality of any act or law of the Congress of the United States."

The New Hampshire legislature decided: "That the state legislatures are not the proper tribunals to determine the constitutionality of the laws of the general government, that the duty of such decisions is properly and exclusively **confided** to the judicial department."

The Vermont legislature asserted: "It belongs not to the state legislatures to decide on the constitutionality of laws made by the general government, this power being exclusively vested in the judiciary courts of the Union."

"The House of Representatives of Pennsylvania replied to Kentucky that the people of the United States have committed to the Supreme judiciary of the nation the high authority of ultimately and conclusively deciding upon the constitutionality of all legislative acts."

"The Senate of New York, replied to Virginia and Kentucky, that the decisions of all cases in law and

equity were confined to the federal judiciary and that the states were excluded from interference."

This Is Equally Clear.

Oliver Ellsworth said: "This Constitution defines the extent of the powers of the general government. If the general legislature should at any time overleap their limits, the judicial department is a Constitutional check. If the United States go beyond their powers, if they make a law which the Constitution does not authorize, it is void; and the **judicial power, the national judges,** who, to secure their impartiality, are to be made **independent,** will declare it to be **void."**

You will here note that Congress is limited in its power rather than the Supreme Court.

All the quotations, following the references to J. C. Calhoun, are taken from Charles A. Beard's pamphlet, "The Supreme Court—Usurper or Grantee?" The authorities he quotes are so numerous that to name them would fill several pages of this work.

The answers made to Virginia and Kentucky Resolutions, by the various state legislatures are also found in Mr. Beard's work. He so fully authenticates all such matter that one can say he leaves the student in a position of decided advantage over the numerous writers on similar matters.

I wish to call especial attention to the replies of these state legislatures, because they were face to face with the very question we are now discussing—the rightful power of the Supreme Court: whether it was exercising conferred, confided or usurped power. These state legislatures were composed in part of the leading delegates who had helped frame the Constitution, which provided for the creation of the Supreme Court, and of course knew what was intended in that respect. They knew what was ex-

pected of the Supreme Court and we may be sure they made the matter plain to the state legislatures at the time in question, for the matter was to be settled, not by **individual opinion** but by legislative decision, which was done as we have just seen, and these decisions proclaim the fact that the Supreme Court was intended to be **Supreme** in all that the word implies; that it should exercise exclusive and inclusive powers, not by **usurpation** but by "confided," by "vested," powers. The protests made by some states and some citizens against certain court decisions prior to the formation of the Constitution have misled many into believing that they grew out of assaults made on human rights, whereas, on the contrary, they grew out of assaults made on "property rights" and the framers of the Constitution intended to do all they could to provide against similar fears being aroused in the future, and provided a "court of last resort" which could be depended upon to curb the "tyranny of state legislatures."

Who Should Decide?

The framers of the Constitution knew some one or some body of men should decide all vexed questions, and especially those vital questions of "law and equity arising under the Constitution." They knew such decisions must be final, and they mistrusted the common people as we have just shown and had no faith in state legislatures. There was then nothing left for them to do but to provide a court of such independent standing, etc., so empowered that the intentions of the framers of the Constitution could be carried out, and business needs protected.

The "business needs of this country" referred to by Madison, could not be half so well protected in

any other way. Where would the trusts go for protection, if it were not for the Supreme Court? The framers of the Constitution may never have dreamed of trusts as we know them, but it won't do to imagine that they did not foresee great combinations of business interests that they felt would need protection. History was too well known to such as Hamilton, Madison and others of those delegates to permit us to think otherwise.

Vested Rights.

"The men who framed the federal Constitution were not among the paper money advocates and stay law-makers whose operations in state legislatures and attacks upon the courts were chiefly responsible, Madison informs up, for the calling of the Convention.

"The framers of the Constitution were not among those who favored the assaults on vested rights which legislative majorities were making throughout the Union. On the contrary, they were, almost without exception, bitter opponents of such enterprises; and regarded it as their chief duty, in drafting the new Constitution, to find a way of preventing the renewal of what they deemed legislative tyranny. Examine the rolls of the State conventions that ratified the Constitution after it left the Philadelphia convention, and compare them with the rolls of the state legislatures that had been assailing property rights," you will then understand the spirit and consequent intention of the sponsors of the Supreme Court.

"It was largely because the framers of the Constitution knew the temper and class bias of the state legislatures that they arranged that the new Constitution should be **ratified by conventions.** The framers and most of the enactors of our Constitution represented the solid, conservative, and commercial interests of the country—not the interests which denounced and proscribed judges in Rhode Island, New

Jersey and North Carolina, and stoned their houses in New York. The conservative interests, made desperate by the imbecilities of the Confederation and harried by state legislatures, roused themselves from their lethargy, drew together in a mighty effort to establish a government that would be strong enough to pay the national debt, regulate interstate and foreign commerce, provide for the national defense, prevent fluctuations in the national currency created by paper emissions, and control the propensities of legislative majorities to attack private (property) rights."—Chas. A. Beard.

I think no further proof is needed to show the class bias of the framers of the Constitution, hence its natural and inevitable class character.

A multitude of decisions can be cited by any well-posted man which seem to violate every element of justice, and it is such decisions that cause many to think that they grew out of usurped power. Is it not strange that we should imagine the framers of the Constitution were so much above the members of the Supreme Court, that they would not grant a power we accuse the Court of usurping?

How complete the whole judicial system is seen to be in the light of these facts!

The Supreme Court, acting in behalf of "business interests," sets the example, which is followed by the inferior courts, thus a complete chain of judicial decisions harass our sense of justice and check every move of labor to improve its condition.

Virtuous judicial decisions would tend to destroy special privileges, and would suggest to state legislatures the idea of doing something for labor, which in turn might cause to be re-enacted similar assaults on "property rights" that the delegates intended to provide against.

Vicious judicial decisions are in perfect harmony with special privileges, and are the echo of the interests most of the Constitutional delegates represented.

Thousands of us believe in private ownership of the means of life, and in failing to see that such ownership is, from its very nature, the essence of tyranny, we cannot understand why certain judicial decisions are not usurpations of power. If private or corporate ownership is right then any decision or series of them necessary to sustain such owership are fully justified.

The wrongs involved in the decisions that shock us so rudely at times, are the logical reflection of the system they support.

The Supreme Court is beyond your reach, and to accuse that body of usurpation hurts no one. Then, too, while accusing that body, you negatively believe the Constitution has been violated, thus you are doubly misled, and are all the more helpless. When you know where the trouble really rests, or from whence it rises, you will be well on the road towards its removal.

The Supreme Court is safe so long as the Constitution remains as it is, and property rights are perfectly safe as well.

Let us look the facts fairly in the face.

A Simple Illustration.

Let us look at it this way—Suppose you were a member of an organization (of any kind), and that organization should, after months of discussion, elect or appoint a Judicial Committee of nine men, as a prominent feature of itself, then embody that feature in its written constitution, which would definitely name some things this committee should do,

but would fail to fix any limits to its power, or methods of procedure.

Then again, suppose that, during the debates held incident to the establishment of this judicial feature, many delegates or members, including yourself, should declare that that Committee should have full and complete supervision, not only in the matters and things named or prescribed, but all matters of legislation arising under that constitution, could you possibly imagine it a usurpation of power if that Judicial Committee should decide what was and what was not constitutional?

Suppose again you should help elect a hall committee, instructed to rent or buy a hall, specify some features, as to location and size, but leave the matter of price and condition of hall blank; would that committee be usurping any power by renting or buying regardless of price or condition of hall?

Where definite instructions cease, discretionary action logically begins.

The Design.

The framers of "Our Constitution" (?) intended to prevent the common folks—the working class—from participating directly in "the affairs of government"; so they devised a scheme of "checks and balances" designed to abridge the principles of democracy as much as possible, and when we find ourselves hampered by decisions or halted by these checks, we cry out, "usurpation," "unconstitutional," just as though the Constitution were intended to be used in defence of the "Rights of Man."

Strange.

It is indeed strange that the average man, who, hearing the Supreme Court say "unconstitutional"

when "property rights" are endangered, should also exclaim "unconstitutional" when those rights are being defended.

Look the Constitution over again, try to find one line that breathes the spirit of democracy.

You will find everything it prescribes (except in a few amendments), "all powers" it confers, centering in and around a Congress, an executive and a Judiciary, which, from the very nature of their election, selection, power, and the "economic interests" back of them, have become, as it was intended they should become, the very impersonation of the principles of special interests and property rights.

The nearest approach to usurpation the Supreme Court has been guilty of, so far as I can discover, occurs in the recent decision by that body wherein the word "reasonable" was read into an act of Congress. That was an act of "revision" and the power to revise was denied by the Constitutional Convention four times, but the power to declare laws "null and void" when not in accord with the "manifest spirit of the Constitution," was not denied but was granted and conferred both by implication and intention.

Falsely Taught.

"The view of the American Constitution herein presented, may not be familiar to the average reader of our political literature. For, notwithstanding the overwhelming proof of the aristocratic origin of our constitutional arrangements, accessible to the unbiased student, the notion has been persistently cultivated that our general government was based on the theory of majority rule.

"Unfounded as an analysis of our political institutions shows this belief to be, it has, by dint of constant repetition, come to be widely accepted. It is beyond question that the Constitution was not so regarded by the people at the beginning of our national life.

"How, then, was this change in the attitude of the public brought about? There has doubtless been more than one influence that has contributed to this result. The abundant natural resources of the country and the material prosperity of the people (of some people) are a factor that cannot be ignored.

"To these must, in a measure, be ascribed the uncritical attitude of mind, the prevailing **indifference to political conditions,** and the almost universal optimism which have characterized the American people.

"This lack of general attention to and interest in the more serious and profound questions of government has been favorable to the **inculcation and acceptance of ideas of the system utterly at variance with its true character.** Still, with all due allowances for **these favoring** conditions, it is hard to find a satisfactory explanation of the process by which the worshippers of democracy came to deify an **undemocratic constitution.** The desire of the **conservative classes** to **preserve** and **perpetuate the system** by **presenting it in the guise of democracy** (political trickery) must be regarded as the chief factor.

"Hostile criticism of the Constitution soon gave place to an undiscriminating and almost blind worship of its principles . . . and criticism was estopped. **The divine right of kings never ran a more prosperous course than did this unquestioned prerogative of the Constitution to receive universal homage.**

"The conviction that our (?) institutions were the **best in the world,**—nay, more—the model to which all civilized states must sooner or later conform, could not be laughed out of us by foreign critics, nor **shaken** out of us by the **roughest** jars of the system." (28)

Blind Reverence.

"It is easy to see in the exaltation of the Federal Judiciary a survival of the old Mediaeval Doctrine that the 'king can do no wrong.' In fact, much of the same attitude of mind which made monarchy possible may be seen in this country in our attitude toward the Supreme Court. So long as the people **reverenced the king** his irresponsible power rested on a secure foundation.

"To destroy the popular belief in his **superior wisdom and virtue** was to **destroy the basis** of his authority. Hence all criticism of the king or his 'policy' was regarded as an attack on the system itself, and treated accordingly as a serious political crime." (29)

And in our day, many of us grow almost hysterically "patriotic" over the cry of "My policies," and become indignant almost to the point of wreaking vengeance on all who dare criticise those class appointees know as the Supreme Court.

No matter what they do, no matter how distinctly and definitely their decisions protect vested interests, we must not criticise; for remember, that is the Court of last resort; its members are almost divine; and if not quite so, they are protecting vested interests, and vested interests are considered by many as being as sacred as was the Divine Right of kings.

Note the Parallel.

The old view was well expressed by James I of England, in a speech made in the Star Chamber on June 20, 1601, in which he said:

"That which concerns the mystery of the king's power is not lawful to be disputed; for that is to **wade into the weakness of princes,** and to take away the mystical reverence that belongs unto them that sit on the Throne of God." (30)

The same spirit of blind reverence for our (?) Constitution is desired by those whom it protects, lest we find its weakness.

Now, our Supreme Court claims and exercises the right to interpret the Constitution, pass upon laws; and since its decisions are "final," criticism is estopped or the critic denounced by all the "best people," by the entire class who today bear the same relation to special privileges that the supporters of the king bore to monarchy.

So when we inquire into a decision rendered by these "class apponited Judges," we are accused of little less than treason. It is insisted that these Judges are so unerring that their decisions partake of the nature of inspiration, almost.

"Vested Rights."

This is not strange, in one sense, for if vested rights are sacred, then they should be protected, and if sacred and inviolable, it is, of course, a crime to criticise this "August" body that so consistently defends these "rights."

The Federal Judiciary is thus elevated to and occupies a position very similar to that claimed by the king. He ruled by "Divine Right," the Federal

Judiciary rules by "Vested Rights." He protected his class, those of birth; the judiciary protects its class, those of property.

No Violation of the Constitution.

In all of this I defy any one to point out any section of the Constitution that has been violated. The appointment of Supreme Judges has uniformly been made from the property owning class; each appointed Judge has always been a man whose record has shown him to be perfectly safe as a "property rights" defender.

Smith says: "It (the Supreme Court) has retained the sympathy and approval of the conservative classes by carefully guarding the 'rights of property.'" (31)

Some of us reverence the Supreme Court, others the Constitution, and in so doing fail to see that the former is but the creature of the latter.

These long quotations are made because they definitely refer to the Constitution as being undemocratic, to the deception practiced by the "conservative classes," as well as drawing a clear-cut comparison between the "Divine Right of Kings" fetish, and our blind worship of this class document. Add to this the references to the "aristocratic origin of our constitutional arrangement," and our "Majority Rule" myth, and it will be seen that I am strongly sustained in my contention that the Constitution is, and was **intended** by its **framers** to be, **a Class Document.**

No defense of the Supreme Court is intended by placing the blame where it belongs. The whole intent is to show whence originated the power they use and how consistently they have been in using it.

Poverty of the Workers Foreseen.

Mr. Madison said, "In future times a great majority of the people will not only be without land, but without any other property."

Yet he helped hasten such conditions.

Mr. Randolph refused to sign the draft; he said: "It was a bold stroke for a monarchy or an aristocracy." He would not support a plan which would surely end in tyranny.

Mr. Mason said, "It would end in a monarchy or a tyrannical aristocracy," which, he was in doubt; but one of the other he was sure would be the outcome.

Six delegates refused to sign, but that was a hopelessly small minority.

What Shall We Do?

If a people have the "right," and if at times it becomes their "duty, to alter or abolish" a government, and to "institute a new" one, then we, "the people of the United States," have that "right," and if we deem it necessary to do so it is our "duty to alter or abolish" the existing form and "to institute a new government, laying is foundations on such principles and organizing its powers in such form, as shall seem" best suited to our needs.

It may be said that the Constitution as it exists was not only the best that could have been adopted at the time it was adopted, but that it instituted the best obtainable **government** of and for that period.

Even if that be true (which the evidence herein disproves) it is equally true that the radical changes from the individualistic regime of that day to the

collectivism of today necessitates a radically different constitution.

Then, machinery was in its infancy. Nearly all work was indiviually performed, or at least with primitive hand tools. Now the workers are employed by the thousands in one establishment, and, like so many bees, toil in an industrial hive, not for themselves but for the owner or owners of the hive.

This spells industrialism, economically and politically. If we fail to adapt ourselves to these changed environments, we will continue, not only to suffer the consequences of such failure, but the ill effects and consequent suffering will grow worse and worse.

Why should we, as a people, expect to escape the effect of the violation of the biological law relative to environment and adaptation thereto?

Constitutions.

Constitutions should be made to conform to human needs. They should be made by men, for men, and for the purpose of assisting man to advance in every possible way towards a higher and better civilization. If they are so made that for centuries they reach out from the dead past and say to the living present, "thou shalt not," then they curb and check the normal growth of the race.

The legal enactments which seek to hold us to the days of the wilderness and the stage coach, are as inadequate to serve us now as would be the swadling clothes of an infant to serve a full grown man.

Collectivism in labor is here. Collectivism in **social management must come.** This necessitates another step, which is collective ownership of all things and means whereby collective labor is performed.

Steam, electricity and titanic machinery forever preclude the possibility of a return to the hand methods of production, without the destruction of these wondrous factors of advance; hence our environments are not only essentially collective, but must grow more and more so.

This Demands

A readjustment of ownership and management; an adaptation of democracy to the end that each individual worker may and shall become a part owner and consequently a part of the managerial force, in order to regain, retain and enlarge his individualism in keeping with his rights and duties as an integral and necessary part of the social whole.

To say a man is a citizen of a country and "equal before the law" with any other citizen, and then legally give the country's resources to a few people, and therefore make it necessary for the many to beg the few for work, when work means to live, is to reduce them (the many) from the condition of equals to that of servitude.

Constitutions and Courts

That abridge human rights—that check man's advance, **must go.** The people, as such, must become the court of last resort, and when they speak, their mandate must prevail.

If a Constitution is necessary as a means to an end, it must be democratically formed; that is, by the people directly passing on it.

This may provoke a Hamiltonian echo—that such a course would destroy permanency and result in "precipitancy and change." Even so—who are those that would have to bear the burdens which such

changes, if they should come, would entail? Who bear them now? Is it not the working class?

If those who produce them have to bear them, they will all the sooner learn how to overcome them. "The cure for the so-called ills of democracy will not be found in its curtailment, but in more of it."

But do we have stability now?

Is not the condition of the workers growing rapidly worse? Is not home-ownership on the part of the working class decreasing year by year? Are not their jobs becoming more and more uncertain, and their lives more and more insecure?

The wealth of this nation is rapidly accumulating in a few hands, which involves changes of a radical and dangerous character. We have no stability now, but a rapidly changing system, the tendency of which is to enlarge the spirit of autocracy, increase mastery and servitude, and to make the world the private property of a few.

Autocracy never improves, it always grows worse. Democracy embodies the elements of improvement, and the tumults it may raise are but the pains of new birth and growth; not of death.

The Working Class.

The workers must make the change. It is not to be expected that those who profit by existing conditions—who enjoy lives of luxury and ease, will assist in making the change. If those who suffer will not do it, it will not be done, and should not be done. The workers make up the vast majority. **They have the right and the power to make the change from capitalism to socialism.**

If liberty is worth having, it is worth taking.

Historical References, and Other Notes.

1. I do not mean the signers were either Democrats or or that they loved democracy. They emasculated the original draft, cutting out the clauses referring to slavery as it then existed (white and black), evidently for the reason that those clauses reflected on, or condemned the industrial lives of some of the signers. The document itself is what I am considering.

   Jefferson is credited with being its author, but it is safe to say that the spirit of democracy that it contains is due to Thomas Paine, who was a statesman and a real Democrat.

2. Montgomery's English History, pages 333-334.
3. Ernest Unterman, World's Revolutions, p. 116.
4. Ibid. 117.
5. Thwait's "The Colonies," p. 283. Quoted by O'Neil, in "The Workers in American History," p. 29.
6. Myers. "History of the Great American Fortunes." Quoted by O'Neil.
7. Helpers, "The Impending Crisis," p. 380.
8. For a full and startling account of the infamy of this White Slave Traffic, read James O'Neil's work above referred to.
9. Smith's "Spirit of American Government," pp. 15-16.
10. Ibid, p. 35.
11. Ibid, p. 50. Quoted from McMaster.
12. Elliott's Debates, Vol. 1, p. 345.
13. McMaster, "With the Fathers," p. 112, and Fisk's "Critical Period of American History," p. 229. Smith's Spirit of American Government," pp. 34-35.
14. Quoted by Smith, "Spirit of American Government," p. 37. From Elliott's Debates. "Italics are Mine.
15. Smith's "Spirit of American Government, p. 42.
16. Compiled from Madison's Journal and Elliott's Debates, and used by Mr. F. W. Adams.
17. Smith's "Spirit of American Government."
18. Ibid.
19. This limitation of the power of Congress in the matter of the Supreme Court, will become plainer further on.
20. The President is now clothed with absolute dictatorial power, provided by act of Congress in the enactment of the "Dick Military Bill," Section 1 of which reads as follows:

    "Be it enacted by the Senate and House of Representatives of the United States of America in congress assembled, That the militia **shall** consist of **every** able-bodied male citizen of the respective states, territories, and the District of Columbia, and every able-bodied male of foreign birth who has declared his intentions to become a citizen, and who is more than 18 and less than 45 years of age, and **shall** be divided into two

classes—the organized militia, to be known as the National Guard of the state, territory, or District of Columbia, or by such other designation as may be given them by the laws of the respective states or territories, and the **remainder to be known as the Reserve Militia."**

The President has absolute control of all this vast militia, approximating 11,000,000 young men. They must respond, if he calls, under penalty of Court Martial in case of refusal. He can send them when and where he will, and does not have to give an account of his acts in this connection to any one, not even to Congress. See the actions of Taft in sending troops to the Mexican border.

No monarch on earth has more power than this.

21. Quoted by Smith in "Spirit of American Government," p. 44.
22. Smith's "Spirit of American Government," p 77.
23. Ibid. p. 77.
24. Ibid. p. 78.
25. Elliott's Debates, Vol. V, pp. 151, 344, 345, 347.
26. Smith's "Spirit of American Government," p. 73.
27. Ibid. pp. 92-93—Quoted from "Federalist" No. 78—Elliott's Debates, Vol. 2, pp. 196-487, and Vol. 3, p. 553.
28. Woodrow Wilson (now Governor of New Jersey), "Congressional Government," Italicts are Mine, p. 4.
29. Smith's "Spirit of American Government," p. 104.
30. Lee, "Source Book of English History," p. 334.
31. Smith's "Spirit of American Government," p. 106.

Benedict Arnold's Letter to the People of the Colonies.

Some years ago, I ran across this curious historical document in a volume of the Weekly Register, published in Baltimore, Md., bearing the date of 1813-1814. It is here inserted in full for the reason that his love (?) for England found so many echoes in the Constitutional Convention, that it would seem that there were many Arnolds in his day, in thought, and that, after all, he may have been only a previous, and not a greater "traitor" than some whose work has been set forth in these pages.

You are asked to compare his sentiments with those of many of the delegates as well as with those of many of our later "statesmen" and draw your own conclusion. His reasons for desertion sound like some reasons we now hear in behalf of that much abused word "patriotism."—

Introduction by the Editor.

"Having several times alluded to the famous appeal and proclamation of **Benedict Arnold,** the editor was called on to insert them at length. He had already commenced a search for these curiosities when they were presented to him in the **'Standard of the Union.'** We have marked a few passages, and added a note."

From the British Political Magazine:

"The famous General Arnold, who abandoned the rebel service and joined our army at New York, wrote the following address to the inhabitants of America, published in that town October 7, 1780:

The Letter.

"I should forfeit, even in my own opinion, the place I have so long held in yours, if I could be indifferent to your approbation, and silent in the motives which have induced me to join the King's arms.

"A very few words will, however suffice upon a subject so personal; for to the thousands who suffer under the tyranny of the **usurpers in the revolted provinces, as well as to the great multitude who have long wished for its subversion,** this instance of my conduct can want no vindication, and as to the class of men who are **criminally protracting the war** from sinister views at the expense of the **public interest,** I prefer their enmity to their applause. I am, therefore, only concerned in this address to explain myself to such of my countrymen as want abilities or opportunities **to detect the artifices by which they are duped.** * * * Having fought by your side when the **love of our country animated** our arms, I shall expect from your justice and candor what your deceivers, with more art and less honesty, will find is inconsistent with their own view to admit.

"When I quitted domestic happiness for the perils of the field, I conceived the rights of my country in danger, and that duty and honor called me to her defense. A redress of grievances was my only object and aim; however, I acquiesced in a step which I thought precipitate, the declaration of independence; **to justify this measure many plausible reasons were urged, which could no longer exist, when Great Britain, with the open arms of a parent, offered to embrace us as children, and grant the wishes for redress.** * * *

"And now that her worst enemies are in her own bosom I should change my principles if I conspired to their designs; yourselves being judges, was the war not less just, because fellow subjects were considered as foes? You have felt the torture in which we raised our armies against a brother. **God incline the guilty protractors of these unnatural dissentions to resign their ambition, and cease from their delusions, in compassion to kindred blood.**

"I anticipate your question: was not the war a defensive one until the French joined in the combination? I answer, I thought so. You will add, was it not afterwards necessary, till separation from the British Empire was complete? By no means; in contending for the welfare of my country, I am free to declare my opinion that this end attained, all strife should have ceased.

"I lament therefore the impolicy, tyranny and injustice, which a sovereign contempt of the people of America studiously neglected to take their collective sentiments of the **British proposal of peace, and to negotiate, under a suspension of arms, for an adjustment of differences; I lament it as a dangerous sacrifice of the great interests of this country to the partial views of a proud, ancient and crafty foe.**

"I had my suspicions of some imperfections in our councils, on proposals prior to the parliamentary commissions of 1778; but having then less to do in the cabinet than in the field, (I will not pronounce peremptorily as some may, and perhaps justly, that Congress have veiled from the public eye).

"I continued to be guided, in the negligent confidence of a soldier. But the whole world saw and all America confessed, that the overtures of the second commission **exceeded our wishes** and our **expectations,** and if there was any suspicion of the national liberality, it arose from its excess.

"Do any believe we were at that time really **entangled by an alliance with France?** Unfortunate deception! They have been duped, by a virtuous credulity, in the incautious moment of intemperate passion, to give up their felicity **to serve a nation wanting both the will and the power to protect us, and aiming at the destruction both of the mother country and these provinces.**

"In plainness of common sense, for I pretend to no casuistry, did the pretended treaty with the Court of Versailles amount to more than an overture of America? Certainly not, because no authority had been given by the people to conclude it, nor to this very hour have they authorized its ratification. The articles of confederation remain still unsigned.

"In the firm persuasion, therefore, that the private judgment of an individual citizen of this country is as free from all conventional restraints, since, as before the **insidious efforts of France,** I prefer those from Great Britain; think it infinitely wiser and safer to cast my confidence upon **her justice and generosity,** than to trust a monarchy too feeble to establish your independency, so perilous to her distant dominions; **the enemy of the Protestant faith,** and fraudulently avowing an affection for the liberties of mankind, while she holds her native sons in vassalage and chains.

"I affect no disguise, and therefore frankly declare that in these principles I had determined to retain my arms and command for an opportunity to surrender them to Great

Britain, and in concerting the measures for a purpose in my opinion, as grateful as it would have been beneficial to my country, I was only solicitous to accomplish an event of decisive importance, and to prevent as much as possible, in the execution of it the effusion of blood.

"With the highest satisfaction I bear testimony to my old fellow soldiers and citizens, that I find solid ground to rely upon the **clemency** of our sovereign, and abundant conviction that it is the **generous** intention of Great Britain not only to leave the **rights and privileges** of the colonies **unimpaired,** together with their perpetual exemption from taxation (another proof that taxes had been removed), but to superadd such further benefits as may consist with the common **prosperity** (he, too, tried to deceive with the word "prosperity"—only a few were prosperous) of the empire. In short, I fought for much less than the parent country is as willing to grant to her colonies as they can be to receive or enjoy.

"Some may think I continued in the struggle of these unhappy days too long, and others that I quitted too soon. To the first I reply that I did not see with their eyes, nor, perhaps, had so favorable a situation to look from, and that to our **common master** I am willing to stand or fall. In behalf of the candid among the latter, some of whom I believe serve blindly but honestly—in the bonds I have left, I pray God to give them all the lights requisite to their own safety before it is too late, and with respect to that herd of censurers, whose enmity to me originates in their hatred of the principles by which I am now led to devote my life to the reunion of the British Empire, as the best and only means to dry up the streams of misery that have deluged this country, they may be assured that, conscious of the rectitude of my intentions, I shall treat their malice and calumnies with contempt and neglect. B. ARNOLD."

*(Editor's note.) "The pointed resemblances of the passages in black type to a multitude of speeches, essays and paragraphs of the present day, will strike the reader with astonishing force. Indeed one might be inclined to think that several of our orators had borrowed their ideas from Benedict."

(Yes, and when one reads the history of that period, together with that of reconstruction days, as well as that of our Civil War traitors, one might be inclined to think that Arnold's class was and is larger than many have been taught to suppose—and that he, after all, was their John Brown. They finished what he started.—J. W. S.)

* * * * * * *

"The evils we experience flow from an excess of democracy. The people do not want virtue, but are the **dupes of **pretended patriots.**"—Elbridge Gerry of Massachusetts, in the constitutional convention.

***"Love of Our Country." Think of that under a monarch. Our orators ought to thank B. A. for the sentiment.

****Arnold perhaps knew that at least one-third of the colonists did not approve of the war (see Tyler the Lit. Hist. of the Amer. Rev., vol. 1, p. 300), and that most of the officials, politicians, business men, physicians, lawyers, teachers, and **preachers** were opposed to the ultimate ends sought by the revolutionists (see Tyler, as above, page 301), hence his prayers and pious attitude only voiced what we now know a large class thought (see Smith's Spirit of the American Government, chap. 11).

(1) Traitors still conjure in the name of God.

(2) The collective sentiment was never taken for or against the war.

(3) Arnold may have been angered because he was not on the inside of cabinet secrets, but the constitutional convention was held behind closed doors, and its work or the sentiments that animated the delegates were "veiled" from the eyes of the public for 50 years.

(4) Arnold's praise of Britain was echoed by Dickinson, of Delaware, who said: "I consider a limited monarchy as one of the best governments in the world," and said that the Senate should bear "as strong a likeness to the House of Lords as possible."

Hamilton said: "The British government is the best in the world," and that he "doubted much if anything short of it would do in America."

That two proposals of peace had been made by Britain is news to me. School histories do not tell us of them.

(5) Neither did the **people** authorize the adoption of the Constitution.

(6) Arnold expressed faith in England; so did the delegates in the convention that framed the Constitution. They gave the king's veto power to the President, copied the House of Lords, added the Supreme Court, and thus set aside the principles of the Declaration of Independence that it was supposed they fortified, hence their treason was worse than his, for while he was being called a traitor, they were betraying the common people—and they succeeded.

Hamilton added: "All communities divide themselves into the few and the many. The first are the **rich** and the **well born,** the other the mass of the people, etc."

Arnold was no greater traitor than were many so-called patriots, but only an earlier one.

A "traitor" deserves no defense, and none is intended in behalf of B. Arnold, but it is hardly fair to constantly refer to the one as an "arch traitor," and to others, who were, at least as far as the working class is concerned, as great traitors as he, as patriots; and, inasmuch as they succeeded in their efforts, much more dangerous.

J. W. SLAYTON.